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COLLECTION

OF THE

PARLIAMENTARY

DEBATES

IN

ENGLAND;

FROM

The YEAR M,DC,LXVIII.

To the present TIME.

VOL. VI.

Printed in the YEAR, M,DCC,XLI.

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Parliamentary

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Parliamentary DEBATES.

The following Case being designed by the Duke of *Marlborough* to be represented to the honourable house of Commons, in vindication of himself, from the charge of the Commissioners of accompts, in relation to the two and a half *per Cent.* for bread and bread-waggon, it may not be improper to insert it here; having before taken notice of the resolutions of that house concerning this matter.

The Duke of Marlborough's Case and Vindication of himself.

WHEN I first heard of the proceedings before the Commissioners for taking the publick accompts, I was abroad; and in the Queen's service, and tho' the account I gave you by letter, was not, in their opinions, so full, but they have thought themselves obliged, notwithstanding that, to lay the matter before you, I think myself however bound to own the justice they have been pleased to do me, in reporting that letter also, together with her Majesty's letter.

I am sensible the nature of the service to which the report relates, might occasion many mistakes, without any imputation to the gentlemen concerned in that commission, and I am sure, that those gentlemen,

tllemen, every one of them, and every other gentleman here, will be glad to find himself convinced, that as I have, in some measure, deserved the good opinion of my countrymen on former occasions, so nothing will appear in this, which can draw upon me the blame of this house.

The first article in the report is founded upon the deposition of Sir *Solomon de Medina*, by which you are informed of a yearly sum paid by him and his predecessor, contractors for bread and bread-waggons, to myself. This payment in my letter I have called a perquisite of the General or Commander in chief in the *Low-Countries*; and it has been constantly applied to one of the most important parts of the service there, I mean the procuring intelligence, and other secret service.

The Commissioners are pleased to observe, that these sums cannot be esteemed legal perquisites, because they do not find them claimed or received by any other *English* General in the *Low-Countries*. But I must take leave to affirm to this house, that this perquisite or payment, has been allowed to the General, or Commander in chief, in the *Low-Countries*, both before and ever since the revolution, to enable him to carry on such secret service. The like allowance was made to Prince *Waldeck*, whilst he was General of the *Dutch* army in *Flanders*; it was made during the last war as well as this, and for your farther satisfaction in this matter, I am content to refer myself to Sir *Solomon de Medina*, who cannot but own, that when he made this allowance, he knew it to be the constant practice during the former wars in the *Low-Countries*, and particularly when Prince *Waldeck* commanded there. And if it be a circumstance worth your notice, he must inform you also, that the allowance of waggons, which the report takes notice of, is usual likewise; that he has allowed the like, or near the like number, to Count *Tilly*, tho' he was not Velt-Marschal,

ſchal, and that there is a proportionable allowance of the ſame kind to other officers. The *report* may have obſerved very rightly, that by the ſtricteſt enquiry the Commiſſioners could make, they cannot find that any *Engliſh* General ever received this perquiſite. But I preſume to ſay, the reaſon is, that there was never any other *Engliſh* General beſides myſelf, who was Commander in chief in the *Low-Countries*. I crave leave then to ſay, that this obſervation in the *report*, was occaſioned thro' the want of due information in the uſage of the army. In receiving this as an eſtabliſhed and known perquiſite, I have followed and kept up that uſage which I found in the army, when I firſt entered upon that ſervice; and upon this ground alone, I hope that this houſe will not think that I was unwarranted in taking it.

But that no doubt may remain with you, I will ſtate, as well as I can, what I have learnt, and during that time I have been in the ſervice, has been always underſtood to be the ground, as well as the deſign of this allowance. The contracts of bread being of neceſſity at the ſame rates for the whole army, and it being for the ſecurity of the ſervice, thoſe contracts ſhould be in the feweſt hands, the certain gain upon ſo large a ſum as a contract for the whole, or great part of the army, even at the loweſt prices, makes this yearly allowance to have been thought not unreaſonable from the contractors. This being an allowance generally ariſing from the contracts that concern a variety of troops, under the ſame General, muſt naturally fall under the direction, and come into the hands of the Commander in chief, as an allowance to enable him to carry on ſuch deſigns as could not be foreſeen, but yet neceſſary to be put in execution, and which chiefly depend upon intelligence.

I thought it more needful to give you this account of the nature and design of this allowance, because I observe from the report, that the objection is to the justice and reasonableness of the perquisite itself, without having regard to the application or use for which it is intended.

But the Commissioners apprehend this not to be a justifiable perquisite, because they say, the publick, or the troops, necessarily suffer in proportion to every such perquisite.

If these observations were well grounded, I should think them good reasons to put an end to the allowance, and at the same time to blame those who first introduced it: But I take upon me to affirm, that this neither is, nor can be the case. I have never heard a complaint either of public or particular injury from this allowance; nor does the report assign any particular wherein it may be judged to be so.

This allowance to the General, can have no influence upon the contract itself, which is actually made and signed at the treasury, and the price regulated by what the *States* have agreed to pay for the bread for their forces. I appeal to all the officers who have served with me in *Flanders*, whether the forces in her Majesty's pay, have not all along had as much, and as good bread, as those of the *States*, and at the same prices; which every body will believe to be the lowest, that considers the frugal œconomy of the *States*, and the small pay of their troops. And therefore, I may safely conclude, that if the *English* have had their bread as cheap as the *Dutch*, they have had it as cheap as was possible. Nor indeed can it be imagined to be otherwise; for the very supposition of two different prices, paid by different troops in the same army, for the same quantity of bread, would occasion a mutiny.

But this whole affair has been so regulated, and there has been so little occasion of complaint, that

it

it is well known our army in *Flanders* has been duly supplied with bread during the whole war, and has received it with an exactness that will hardly be thought consistent with the secrecy, and suddenness of some of the motions that have been made.

The report farther says, that the General is the sole check upon the contractor; that he is to take care of the performance of the contract, and to judge of all deductions to be made from, and allowances to the contractor. And from these suggestions it infers, that under these circumstances, it is a breach of trust in him to receive the perquisite.

This observation amounts to no more than suggesting a possibility of inconveniencies from an ancient usage in the army. And if by calling the General the sole check upon the contractor, is meant, that he is the person who is to receive complaints concerning the execution of the contract, (and so far only is true,) I affirm, that upon all complaints I have given full redress; either by ordering other bread, or the value in money, at the choice of the troops: For the truth of which, I appeal to the officers of the army. And as to the General being to judge of all deductions to be made from, and allowances to the contractor, I am entirely a stranger to any such deductions and allowances, of which the General is supposed to be the Judge.

One circumstance remains upon this article, which I barely touch upon, to remove a prejudice raised by the report, from the caution and secrecy with which it is said the money has been received. This is supported only by an allegation, that my Secretary Mr. *Cardonnel*, had declared upon oath, that he never heard or knew of any such perquisite, till lately; which it is supposed he ought to have done as Auditor of the bread account. But I take leave to say, 1st, That he never was Auditor of the bread account, nor has any thing to do with it. 2^{dly},

Tho' it is said in the report, that he declared upon oath, yet I cannot obtain or hear of any such deposition; nor is it possible he could declare so. In this part of the report, there must have happened some mistake. For I presume Mr. *Cardonnel*, who is a member of this house, can't but declare that he knows of this perquisite; tho' he might be ignorant of the same, till notice came to the camp of what Sir *Solomon de Medina* had sworn.

As to the 1 *per cent.* said to be allowed to Mr. *Sweet* for prompt payment, I do aver that I knew nothing of it. And tho' Sir *Solomon de Medina* has often complained to me of Mr. *Sweet's* payments not being regular, I do not remember he ever mentioned the 1 *per cent.*

Now, as to the second article in the report, allow me to observe to you, that it has arisen only from the information I myself gave the Commissioners by my letter to them: This matter having relation to that part of the service to which the sums in the former article have been applied; that the Commissioners might have a true state of it, I chose to insert a short account of it in my letter to them.

If I did this voluntarily, out of duty to the public, I hope I shall be thought to have given you information upon a certain belief, that I was altogether blameless in the part I have had in it.

'Twill be necessary that I trouble the house with an account of the time and occasion whence this payment of two and a half *per cent.* by the foreign troops, commenced.

During the last war, the allowances by Parliament for the contingencies of the army, of which that of secret service is the principal, was, 50000 *l. per Ann.* But this allowance fell so far short of the expence on that head, that upon the prospect of this war's breaking out, the late King assured me, that this last part of the service never cost him less than 70000 *l. per Annum.* However, the allowance of
Parliament

Parliament for the whole contingent service during this war, has been but 10000*l. per Ann.* 3000*l.* of which, or thereabouts, has generally gone for other contingencies, than that of intelligence. The late King being unwilling to come to Parliament for more money, on that head of the service, proposed this allowance from the foreign troops, as an expedient to assist that part of the service, and commanded me to make the proposition to them; which I did accordingly, and it was readily consented to. By this means, a new fund of about 15000*l. per Ann.* was provided for carrying on the secret service, without any expence to the public, or grievance to the troops from whom the allowance was made; for when the public pays, those troops are not at all affected, or one farthing increased in consideration of this deduction; nor is there in any conventions for them any weight laid upon it, the hire of foreign troops being governed by settled rules and treaties, and the conventions of the *States* for them, being in the same terms.

This expedient being formed in the manner I have shewn, her Majesty was pleased to approve it by her warrant, which being understood as a confirmation or an agreement with the foreign troops, not negotiated by, and by consequence not within the care or business of the treasury, was countersigned by the Secretary of state, whose province it belonged to, as the only proper officer.

The true design of this deduction being to supply the secret service, Gentlemen, I hope you will observe, that this, together with the sum on the former article of the allowance by Parliament, when put together, doth fall short of the allowance given by Parliament in the last war, upon this head.

I cannot suppose that I need say how essential a part of the service this is, that no war can be conducted successfully, without early and good intelligence, and that such advices cannot be had but at a

very great expence. No body can be ignorant of this, that knows any thing of secret correspondence, or considers the numbers of persons that must be employed in it, the great hazard they undergo, the variety of places in which the correspondence must be kept, and the constant necessity there is of supporting and feeding this service; not to mention some extraordinary expences of a higher nature, which ought only to be hinted at. And I affirm, that whatever sums have been received on this account, have been constantly employed in procuring intelligence, in keeping correspondence, and other secret service. If any Gentleman should doubt this, and imagine that this expence could have been supported by the 10,000 *l. per annum*, I desire them to consider, that the present war in *Flanders*, from the beginning of it, has been an offensive war; the campaigns early and long, the variety of actions have been very great, wherein so many battles have been fought, lines forced, and so many strong towns taken with trenches opened; but yet during the last war, which was of another kind, if regard be had only to what was allowed by the public, it is certain, that the charge on this head, in three campaigns of that war, came to at least as much as all the ten campaigns of this. And though the merit of our successes should be least of all attributed to the General, the many successful actions, such as have surpassed our own hopes, or the apprehensions of the enemy, in this present war in *Flanders*, to which our constant good intelligence has greatly contributed, must convince every Gentleman, that such advices have been obtained, and consequently that this money has been rightly applied.

Having given this full and faithful account of the rise and use of this deduction, it must, I flatter myself, appear to every body that hears me, to have been a real service, as well as saving of money to the public. And though honour is due to the
me.

memory of the late King who formed this expedient, and to her Majesty who approved of it, by her warrant, I cannot upon this ground apprehend any imputation to my self, who have pursued this so much to the advantage of my country.

Before I take notice of the remarks made by the Commissioners upon this part of the letter, I make one general observation upon the nature of this deduction, which those Gentlemen throughout their report call public money, and to be accounted for in the same manner that other public money is usually accounted for. But the notion I apprehend, is wholly misapplied, as will appear by shortly stating the fact itself. By the treaties with the foreign Princes for the hire of their troops, the whole subsidies stipulated for are due, and the receipt is by them given for the whole money, which is a sufficient voucher to discharge the pay-master in the Exchequer, and thereby the account, as to the public. This deduction so made, does not properly issue out of the Exchequer, but of the money of the foreign troops, for their proportion of the contingencies: And therefore I still apprehend, I speak properly, when in my letter I affirm, that this two and a half *per cent.* does not belong to the public accounts. But as this deduction arises from the agreement set on foot by his late Majesty, and confirmed by her Majesty, as it comes in here as a proportion of the expence, which ought to fall upon the foreign troops, and being applied to a part of the public service, Gentlemen may, if they think fit, in this sense, call it public money, to be accounted for, in such a manner as the nature of the sense admits, and as the public allowance to the same service is accounted for.

Having thus explained this matter to you, I beg the patience of the house to go on, and consider the particular remarks that have been made upon it.

First,

First, It has been objected, that her Majesty's warrant has been kept dormant for nine years, and the deduction concealed from the knowledge of the Parliament; but surely the warrant cannot be said to have been kept dormant, that has been lodged in the hands of the Pay-master-general's deputy in *Holland*, which was delivered to me out of the office of the Secretary of State, signed by her Majesty, and counter-signed by him, as all warrants are, and which could not possibly be concealed from the Commanders of so many foreign troops, nor indeed from the troops themselves, which consist of so many thousand men, without whose knowledge the deduction could not have been made; and who, if it had been in the least uneasy to them, would no doubt have complained. In what sense can this be called a dormant warrant, which, from the time it was signed, had been in the hands of the proper Officer, and constantly and publicly put in execution? The report adds, that the deduction has been concealed from the Parliament; for which it is said, I have not assigned sufficient reasons; but as there has been no concealment, there could be no need of assigning reasons for it; much less was it necessary to lay accounts of the money before the Parliament, it being no part of the estimate for the service, nor of any influence on the money to be given by Parliament: For the subsidies to the foreign troops are governed by previous treaties, and therefore must have continued the same, though this deduction had never been made: Besides, that the Exchequer is discharged of this money, on the receipt from the foreign troops for the compleat subsidy. I have said in my letter, that this being a free gift of the foreign troops, does not properly relate to the public accounts: Upon which the Commissioners observe, that this is inconsistent not only with the words of the warrant, which supposes an agreement, but with that part of my letter which takes

takes notice of this stoppage, to be stipulated for by me as Ambassador; and from thence the report concludes, that this money is to be accounted for, as other public money is: But this observation I take to be grounded upon the mistaken notion of public money, which, as has been already observed, being meant of money granted by Parliament, and standing in charge in the Exchequer, can never be applied to this payment; which is a contribution by the foreign troops, out of their own money, and not out of the money of *Great-Britain*. I might say, that though this deduction has been submitted to by the foreign troops, during this war; yet it is so far voluntary at this day, that it depends barely upon a parole stipulation, and when umbrage shall be given, may, at any time, be receded from by them. This report farther objects, that the 10,000*l.* given for contingencies, is not confined to the *British* troops, but was intended for the 40,000 men, without distinction. Now the contrary to this is evident; for, in the estimate laid yearly before this house, it is plain that this is given for the *British* troops only, and not for the rest of the 40,000 men; and in the estimate for the foreign troops, the article of contingencies is omitted, for no other reason, but because by this warrant it was otherwise provided for; and therefore the words of the warrant are, for defraying contingent expences relating to them, which is plainly said in opposition to the contingent money allowed for her Majesty's own troops; and the like contingent money has not only been allowed upon all other parts of the service, but it will appear, by examining what has been so allowed, that the sums have exceeded in proportion what has been ever allowed for the army in *Flanders*: But the report adds, that the 10,000*l.* has not been always thought exempt from account, as appears from a privy seal bearing date in *March*, 1706, wherein there is a clause releasing me from
a sum

a sum, part of the 10,000 *l.* which the report said, supposes it had otherwise been to be accounted for. When I say in my letter, that the 10,000 *l.* given by Parliament, is without account; I dare say, I cannot easily be misunderstood: The nature of the thing not admitting of a particular account, and the constant practice never requiring any. In all the accounts during the war, of that money, my receipt has been a sufficient discharge; but that not being a regular voucher for the Pay-master, it has been thought necessary from time to time, to grant a privy seal, to enable the Pay-master to pass that part of his account: And though there be that clause inserted in the privy-seal, mentioned in the report; of which, I affirm, I was unacquainted, I yet presume to say, that it was not only needless, but also contrary to all practice, both before and since; for the truth of which, I appeal to the Pay-master-general, who will do me justice in it, if any Gentleman can doubt it.

As to the legality of the warrant, which is the next objection, the Commissioners having barely touched on this, as not duly counter-signed, I think it sufficient to say, that this warrant, being principally intended for confirming an agreement with the foreign Princes, was properly counter-signed by the Secretary of state for that province, rather than by the Lord-Treasurer, who could have nothing to do with it; however, I must believe, that an error of this kind, if any body should think it so, which depends upon a nicety, cannot be thought to affect the General, whose part has only been to apply the money as the warrant directs.

But it is further remarked, that neither the stoppage nor payment of this money, have been regularly made. First, not the stoppage, because the warrant directs it should be stopped in the hands of the Pay-master, or his deputy. But this method does not appear by the Pay-master's account, to have

have been pursued ; but, on the contrary, it is said, that the payments to the foreign troops are always compleat, and the receipt taken in full, without any notice of the deduction. But yet I presume to say, the stoppage has been regularly made, in pursuance to the warrant: The deputy Pay-master is expressly authorized by the warrant, to make that stoppage; and it is of necessity he should make it, who resides abroad, where the matter must be transacted, and the stoppage applied. And it may not be amiss to observe, that in cases where deductions are intended to be accounted for, as public money, the warrant, which authorizes such deductions, directs the same to be accounted for, and the manner in which it is to be done: But where deductions are made by virtue of warrants that contain no such directions in them, as in the present instance, it hath been presumed, that there was no intention such deductions should be accounted for to the public.

Next, as to the payment, this is said not to be according to the warrant, because neither Mr. *Bridges*, nor Mr. *Cardonnel*, ever saw any warrant from me, directing the payment of it. I am not surprized, if the Gentlemen, in this circumstance especially, might not be apprized of the method of issuing money for secret service, which could be only in my own knowledge. But for their information, and the satisfaction of the house, I take the liberty to acquaint you, that the method of issuing this, and the public allowance of 10,000 *l.* for secret service, hath been exactly the same, and in this manner:

I send my letters to the deputy Pay-master, requiring the payment of the sum I have occasion for, to myself; and for such sums as are received from time to time, giving my receipt. This is the order of the General, which is meant by her Majesty's warrant; and which alone is practicable in this as well as in the instance of the 10,000 *l.* contingent money.

money. Nor is there any Gentleman that considers the nature of secret service, but must see it is not possible by the General's warrant, to direct the payment to the person, for whose use it is received.

But the Commissioners are of opinion, that the deputy Pay-master ought to have transmitted constant accounts of this deduction, to the Pay-master general. If I could expect the house could expect from me an account of a circumstance, for which the deputy Pay-master alone is answerable, I should take the liberty to say, that in my poor opinion, if he has not transmitted such accounts, it must be, because he is neither required nor authorized, by her Majesty's warrant, to do so. He is only obliged to make the stoppage, and issue the money upon my orders, which he has done. Nor can I conceive it to be of any use to the public; or the Pay-master general, to have received such accounts; he not being chargeable with any such stoppage; nor are the receipts for it any part of his vouchers.

The last objection is, that the deduction being made for defraying contingent expences to the foreign troops; if the whole has been employed in secret correspondence, such a disposition, not being authorized by the warrant, is a misapplication of public money. But though it is said in the warrant, to be for defraying contingent expences relating to the troops, the reason it is so expressed, I take to be nothing else, but that in the establishment for the forces serving abroad, the word *contingencies* hath always comprehended secret service, that having always been what was principally meant by that article. And this is so evident, that if secret service be not included under the word *contingencies*, that important part of the service would have no allowance from the public for it, which I presume will not be thought expedient. And therefore, though the deduction be declared to be for contingencies, no stress can in justice be laid upon that word, to
prove

prove it was not designed for secret service. And indeed, this is confessed immediately after, in the report it self; which says, that the article for secret service, was always included in the 10,000 *l.* given for contingencies. But if secret service be meant by, or included under, contingencies, in the establishments for the *British* troops; how can it be supposed, that the words *contingencies* in the warrant for the foreign troops, is not to be understood in the same manner?

No body can doubt, but contingencies, or contingent expences mean the same in both; and therefore secret service must be included in both, or neither: But I cannot better explain this whole matter, than by supposing, that secret service being an affair that affects the whole army, the charge of it is to be laid in proportion upon the whole. But the share of the *British* troops is borne by the public, while the share of the foreigners is raised upon the troops themselves by the deduction, which is therefore said to be for defraying such contingent expences as relates to them; that is, for their share of the expence of secret service, which being principally, and in the first place meant by contingencies, there is no opposition between the ends directed by the warrant, and those that the money has been applied to, and consequently there has been no misapplication of it: I have nothing to add upon this article, but to take notice of a great mistake, even in the second computation which is made in the report relating to this deduction, for it is said, that the whole stoppages from the troops in *Flanders*, have amounted to the sum of 177,659 *l.* 17 *s.* 0 *d.* when, in truth, computing them from *May*, 1702, the time they were first made, they do not exceed 151,748 *l.* taking the exchange at a medium between eleven guilders, and ten guilders, ten stivers: So that this deduction for

for the ten years, comes to no more than 15,174 *l.* 16 *s.* a year.

Upon the whole matter, I cannot but hope this house will find reason to be satisfied with this part of my conduct; and I think it no ill service, that so necessary and important a part of the war, and which has turned to so good an account, has been managed with so little expence to the public: And I may, with the greatest certainty, assure them, that all other parts of the service have been carried on with all the good husbandry that was possible. And I believe, I may venture to affirm, that I have, in the article for secret services, saved the government near four times the sum this deduction amounts to. Which I must reckon so much money saved to the public.

Orders given
for prosecut-
ing the Duke
of Marlbo-
rough.

WE may here take notice, that pursuant to the Queen's answer to the resolutions of the house of Commons, in relation to the Duke of *Marlborough*, orders were given about the beginning of *April*, to the Attorney-General, to prosecute his Grace, for *the two and a half per cent. deducted from the foreign troops in her Majesty's pay*, which had been voted to be *public money*, and that *it ought to be accounted for*. But it was the general opinion of those who had perused the Duke's case, many written copies of which were handed about, long before it appeared in print, that there is no law on which an action may be laid against his Grace, upon account of the said deduction, for which on the application thereof, he can plead her Majesty's warrant. On the other hand, some foreign Princes, whose troops were in her Majesty's pay, did, about this time, order their Ministers to represent, that the said two and a half *per cent.* was their own money, but that they were willing to allow it as a free gift to the Duke of *Ormond*, as they had done before

Some foreign
Princes
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ney, which
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to

to the Duke of *Marlborough*, which was a full justification of the latter, and proved no small mortification to his Grace's enemies, who, after a great deal of noise and bustle, could fix nothing upon his Grace.

Notwithstanding this disappointment, endeavours were used to make good the charge of mismanagement against the noble person, who, with the Duke of *Marlborough*, had the greatest share in the late administration; as appears by the following extract of the *second report of the Commissioners, for the taking, examining, and stating the publick accounts*, which on the 17th of the last month, was laid before the house of Commons.

Second report of the Commissioners of publick accounts, laid before the Commons, March 17, 1711-2.

YOUR Commissioners here humbly present a state of the receipts and issues of her Majesty's Exchequer, from the feast of *St. Michael* 1710, to the feast of *St. Michael* 1711, taken from the returns made to them by the several Officers concerned in the management of the publick revenue; to which they beg leave to add their observations on some matters of fact, that have appeared to them in the prosecution of their enquiries.

They do not presume to urge any reasons for their not having made a greater progress, because they humbly hope the house will believe their utmost application hath not been wanting. But they take the liberty to repeat what they formerly mentioned, that the whole accompts of the army (which is the greatest branch of the publick expence) are not yet delivered to them; though as they are assured by the Pay-master of the forces abroad, all dispatch is used in preparing those accompts; and

your Commissioners cannot effectually enquire into the mismanagements of the army, which they have in view, till those accompts are compleatly brought before them, and till they shall have compared the several facts with the particular articles relating to them; for it is from thence they will be able to draw the best and truest observations, and to form the justest and most exact representations.

Your Commissioners conceive it not improper to begin this report with the revenue of *Scotland*, because some facts of consequence, and, in their opinion, highly deserving the consideration of the house, have occurred to them in the examination thereof.

But, before they offer their observations, they must take notice of a very material circumstance relating to this revenue; which is, that they cannot find any commission for constituting Lords Commissioners of the treasury there, from the time of her Majesty's accession to the throne, till after the Union, the last commission before the Union, bearing date the 30th of *January*, 1696.

By an act of Parliament passed in *Scotland*, *October* the 9th, 1696, it is amongst other things enacted, *That no commission civil or military, shall become void by the death of the King, but that the same shall continue in force the space of six months, unless recalled by the next successor.*

On the death of King *William*, a proclamation was issued, by which all Officers civil and military were authorized and required, to act in all things conform to the last commissions and instructions they had from his late Majesty, till new commissions from the Queen could be prepared, and sent down to them.

Some time after this, new commissions were sent down, appointing all the Officers civil and military in *Scotland*, except only those for the treasury, for which no commission was granted by her Majesty till

till the 23d of *June*, 1707. But, we must observe, that by the usage of *Scotland*, when any alteration is made in the treasury, it is not done by renewing the commission as here in *England*, but by a letter from the crown. And her Majesty was pleased to make so many alterations, that the major part of the Commissioners were changed within the time of her accession to the throne, and that of the Union, by letters in the form following.

‘ WHEREAS we have resolved to appoint
 ‘ *A. B.* to be one of the Commissioners of our trea-
 ‘ sury, these are therefore to authorize and require
 ‘ you to admit and receive him as one of your
 ‘ number; hereby, giving and granting to him,
 ‘ the same power and authority, with all privileges
 ‘ and immunities whatsoever, that are, or have been,
 ‘ competent to any other Commissioner of treasury,
 ‘ and declaring these presents to be for his admission,
 ‘ of as full force, strength, and effect, as if he had
 ‘ been nominated and appointed in and by our com-
 ‘ mission granted to you under our great seal, where-
 ‘ anent, we have thought fit to dispense.’

From whence it is observable, that the whole publick revenue of *Scotland* was for some time left without any legal direction or government. For the commission of King *William* could be continued by virtue of the act of Parliament, no longer in force than six months, nor by the proclamation, any longer than till her Majesty’s signing the first letter, after the expiration of the six months: For the words, *as if he had been nominated and appointed in and by our commission granted to you under our great seal*, seem to determine the effect of that proclamation, and suppose a commission granted by her Majesty. But allowing the first letter was not a total repeal of King *William*’s commission, and only a repeal in part; yet it must be admitted, that as

soon as her Majesty had added a majority of new Commissioners, or so many as being joined with the lesser number of the old, would make a majority, then the old commission was superseded, and the treasury under a new (if any) administration.

Now your Commissioners are humbly of opinion, that these letters referring to a patent which was never in being, wanted a foundation, and could by no construction of law ever have any operation or effect, and that those, who, under colour of them, were admitted into the Treasury, have acted without authority.

But, we presume not to argue how far their proceedings may be thought illegal, or whether her Majesty may be said to have been deceived by this neglect or mismanagement, or how extensive the mischiefs have already been, or may hereafter be to *Scotland*, or how far it will involve the people there, who have been concerned in contracts, leases, purchases, or otherwise, with the Treasury.

But certain it is, that the publick hath been rendered liable to many inconveniencies, and her Majesty must have been deceived when she ordered loans from the treasury of *England* to the treasury of *Scotland*, particularly that of 20,000 pounds in the year 1706. For the Treasury of *Scotland*, not being then (as we observe) rightly constituted, could neither give security for money lent, nor legally make repayment of it.

Your Commissioners therefore with great submission, propose it to the house, whether this defect will not want the assistance of the Legislature, or whether the present proceedings of the court of Exchequer in *Scotland*, relating to any mismanagements of the revenue thereof, during this suspension of the commission and legal power of the Treasury, are not void, and consequently, whether the judgments grounded upon them will not be found ineffectual.

But

But having humbly mentioned this circumstance of the treasury of *Scotland*, we will proceed to the revenue, and begin with an account of the loan of 20,000 *l.* in the year 1706, as it appears to us in the manner, and by the evidence following.

We having ground to believe, that considerable sums of public money had been sent from *England* to *Scotland*, when the act of Union was under consideration, in the Parliament there, enquired into the reasons of it, and understanding that Sir *David Nairn* had been concerned in the receipt and remittance of 20,000 *l.* we examined him on oath, and he declared to the effect following.

That in the year 1706, he received the sum of 20,000 *l.* at two several payments; 10,000 *l.* on the 17th of *October*, and 10,000 *l.* more on the 26th of *November* following; for which he gave two receipts to *Sidney*, Earl of *Godolphin*, then Lord Treasurer of *England*.

That this money was lent, as he declared, by her Majesty to the treasury of *Scotland*, upon a representation from the Duke of *Queensbury*, Earl of *Seafeld*, Earl of *Marr*, Earl of *Loudoun*, and Earl of *Glasgow*, that there were deficiencies in the civil list, and upon their promise that it should be repaid, which he thinks, was accordingly done out of the equivalent money: That he was empowered by a letter from the Lords of the treasury in *Scotland*, to receive that money here, and to give a receipt for it, which he accordingly did, and by their direction remitted it to the Earl of *Glasgow*, at *Edinburgh*; but knows nothing certain of the distributing of it, has heard only, that it was paid to the Lord *Twedale*, and other of the Queen's servants.

All which is confirmed by the Earl of *Glasgow*, who, in return to a precept of your Commissioners, after giving a particular account of the distributing of the 20,000 *l.* in *Scotland*, declares on oath, (to use his own words) that it consisted with

his own proper knowledge, that 12,325*l.* were paid back, after the Union, to the Earl of Godolphin, then Lord Treasurer.

But your Commissioners finding no mention of the receipt of this sum of 12,325*l.* or of the other remaining part of the 20,000*l.* in the certificates or books of the Exchequer, were unwilling to make any representation of the fact, till they had given the Earl of Godolphin an opportunity of declaring what he knew of this loan to Scotland; and on some questions proposed to his Lordship relating thereunto, he made the under written deposition.

The right honourable the Earl of Godolphin being sworn, deposeth, *That he had the Queen's commands in the year 1706, or thereabouts, when the kingdoms of England and Scotland were separate, to lend to the treasury of Scotland the sum (as he thinks) of 20,000*l.* that he cannot recollect whether any part of it was repaid, but that he understood it was to be employed for her Majesty's secret service in Scotland.*

Jurat. 25 Feb. 1711-2.

GODOLPHIN.

The day after this deposition was made, his Lordship transmitted the following letter to your Commissioners.

Gentlemen,

26 Feb. 1711-2.

‘ **I**N pursuance of what I said to you yesterday at
 ‘ your board, I have endeavoured to recollect my-
 ‘ self as well as I am able upon the subject you men-
 ‘ tioned to me, and do believe, that 12,000*l.* or there-
 ‘ abouts, was repaid to the Queen by her servants
 ‘ of Scotland, and to the best of my remembrance,
 ‘ they prevailed with her Majesty not to require the
 ‘ remainder of the 20,000*l.* from them. I am,

Gentlemen,

Your most humble servant,

GODOLPHIN.

P. S. When

P. S. ‘ When I said yesterday, that I understood
 ‘ this money was to be made use of for the Queen’s
 ‘ secret service in *Scotland*, I only meant that I
 ‘ thought so, but was not certain of it.’

Your Commissioners, after the receipt of this letter, gave the Earl of *Godolphin* the trouble of coming to them a second time, and then his Lordship was pleased to make another deposition in these terms.

The right honourable the Earl of *Godolphin* being sworn, deposed, *That the 12,000 l. or thereabouts, mentioned in his Lordship’s letter of the 25th of February 1711-2, to the Commissioners of public accounts, and said to be repaid, was not, as he remembers, repaid to his Lordship, nor doth his Lordship know of any account of it, nor of any warrant for the disposal of this particular sum, since the repayment of it, to any person whatsoever.*

Jurat. 3 March. 1711-2.

GODOLPHIN.

On a view of the whole case thus stated, your Commissioners humbly offer the following observations.

That it is plain by the two letters from the Lords of the treasury in *Scotland*, that this sum of 20,000 l. was not advanced to them by way of secret service, or as a gift, but as a loan, on promise of repayment, and receipts were accordingly given for it by their Agent here; but your Commissioners are at a loss to explain some expressions in these letters, *viz.* ‘ That
 ‘ opposers to the Union would make some noise,
 ‘ if her Majesty’s letter was read in the treasury;
 ‘ that they had been obliged to give promises to
 ‘ several persons, and without the sum desired, they
 ‘ would be disappointed, which might prove of bad

‘ consequence ; that they would not have it known,
 ‘ that her Majesty lends any money, &c.

Nor will we presume to guess at the reasons of these insinuations, but humbly conceive, that if the money had been fairly applied to the pretended purposes, there could have been no just occasion for so much caution and jealousy.

But, whatever inducements the Lords of the treasury in *Scotland*, might have for transacting this affair in so secret a manner, we are of opinion that the persons employed here by her Majesty ought not to have parted with the money, till her Majesty’s letter had been read in the treasury of *Scotland*, and till a proper security, had passed there for it.

Whereas, it was paid on the receipt of a private Agent, and at the request of private persons, for so we must take leave to call the noble Lords of the treasury ; for, the Earl of *Marr* was never in this commission, and the Earl of *Loudoun* had for some time been removed from it.

However, since the loan was made, (as appears by the depositions on all hands) it is to be considered, whether the money was ever repaid, and this cannot be so well understood, as by comparing the evidence of the two noble Lords.

First then, the Earl of *Glasgow* deposes in positive and express terms, that 12,325*l.* was paid back to the Earl of *Godolphin* ; and in a letter to your Commissioners, he affirms, that he had already accounted with the Earl of *Godolphin* for the money remitted, from the 1st of *May* 1706, to the 1st of *May* 1707, from *England* to *Scotland*, which evidence it must be allowed, would at least be sufficient to charge the Earl of *Godolphin* with the article of 12,325*l.* had it not (in some measure) been contradicted by the Earl of *Godolphin*’s first deposition, wherein, his Lordship is so far from charging himself

himself with the receipt of that particular sum, or with passing any account with the Earl of *Glasgow* for the whole, that he could not recollect, that any part of it was repaid, but says, that he understood, it was to be employed for her Majesty's secret service in *Scotland*, nor is this variation reconciled in your Commissioners humble opinion, either by his Lordship's letter, or subsequent deposition.

For though his Lordship recollects himself in his letter, and says, that he believes, 12,000 *l.* or thereabouts, was repaid to the Queen by her Majesty's servants in *Scotland*, and to the best of his remembrance, they prevailed with her Majesty not to require the remainder of the 20,000 *l.* and that when he said, he understood the money was for secret service in *Scotland*, he meant, that he thought so, but was not certain of it; yet that does in no sort confirm or concur with the evidence of the Earl of *Glasgow*; but this letter being sent only on a doubtful recollection; and the facts contained in it being offered with so much uncertainty, your Commissioners forbear to make any conclusions from it.

But the last deposition seems to return to the first contradiction of the Earl of *Glasgow*'s evidence, for notwithstanding his Lordship does there admit the repayment of the 12,000 *l.* or thereabouts, as mentioned in his letter, he denies it was repaid, as he remembers, to himself, and deposes, that he doth not know of any account of it, nor of a warrant for the disposal of it, since the repayment, to any persons whatsoever; which is absolutely inconsistent with what the Earl of *Glasgow* mentions in his letter, concerning his passing an account for this money, besides the repayment is supposed by the Earl of *Godolphin* to be made to the Queen, whereas the Earl of *Glasgow* (as it hath been said) charges it positively upon the Earl of *Godolphin* himself.

How

How far these depositions and letters are capable of being explained into a consistency with each other, your Commissioners must leave to the wisdom and determination of the house; but it is obvious, that there is no where any pretence of a repayment of the 7,675*l.* the remainder of the 20,000*l.* nor any satisfactory accompt given of the 12,325*l.* since repaid.

So that no part of the money appearing to have been applied to her Majesty's service, your Commissioners are humbly of opinion, that the whole remains to be accounted for to her Majesty.

As to the revenue of *Scotland*, your Commissioners doubt not but the house will be pleased to consider, that they must necessarily have met with many difficulties to their enquiries into the mismanagement of it, by reason of the remoteness of the place, where all the offices and records, relating to the publick money, are kept, from whence, not only discoveries and informations, but witnesses, to prove and make good the same, must be brought, and this would have been attended with so much trouble and expence, that some examinations have been rendered impracticable, which in another year may be prosecuted with better effect.

Your Commissioners therefore humbly hope, that some general observations on the present state of the *Scots* revenues, will answer what is now expected from them with relation to that kingdom.

By the state of the crown rents, exhibited to your Commissioners from the Barons of the Exchequer, it appears, that they are so burthened with grants within these few years, and the exorbitant salaries of the several Collectors and Stewards, that the greatest, and by much the best part of them is exhausted; besides, it is worthy observation, that of the little which still remains to the crown, very considerable arrears are suffered to continue in the vassals hands.

The

The revenues of the Bishops (which, after the subversion of episcopacy, were annexed to the crown) are in a worse state than the other crown rents.

For there are few signed and authentick rentals of the revenues of the said bishopricks to be found in the Exchequer, and such as are, do differ in so many particulars from the charge the several collectors do bring upon themselves, that there appears no certain rule for making a charge upon the said Collectors, nor to ascertain the yearly produce of that revenue.

There can be no comptrol upon many articles in the discharge of the Collectors accounts, such as grants to several laymen, universities, and Presbyterian seminaries, and allocations by virtue of the Lords of session's decrees, for the augmentation of Ministers stipends and School-masters salaries; because the grants and rights of several grantees are not duly entered in the records of the Exchequer, and the Collectors cannot prevent their payment till these grants and rights are recorded, and the validity thereof considered: Many of these grantees have entered into possession, and raise the rents themselves, or refuse to pay their tythes.

Under these difficulties it was impossible for your Commissioners, at this time, to state a certain account of the yearly produce of these revenues, or how and on what account they are burthened.

But, by the best estimate we can make, after deducting the grants and allocations claimed and retained by the several grantees, the publick taxes and other allowances craved by the Collectors, the whole revenue of all the bishopricks at a medium for several years (part of the rents being paid in kind, and causing the yearly produce to vary) amounts to no more annually to the Queen than 600 *l.* or thereabouts, exclusive of the revenue of the deanery of the chapel royal, which is about 239 *l.* and

and enjoyed by Mr. *William Carstairs* : From which 600 *l.* above 500 *l. per annum* hath, for these several years past, been deducted for the salaries of two persons employed to collect the same.

We have enquired into the management of the money given by *England* as an equivalent to *Scotland*, for such part of the *Scots* custom and excise, as was applicable, by the articles of the *Union*, to the payment of the *English* debts contracted before the *Union*.

And we do observe, that the first commission, dated the 5th of *June*, 1707, appointing Commissioners of the equivalent, consisted of twenty five persons, whereof sixteen were members of the house of Commons, and lasted for two years ; that the house of Commons having addressed the Queen to reduce the number of those Commissioners, because the greatest part of the equivalent money was issued ; a new commission was appointed, dated the 26th of *July*, 1709, consisting of fifteen persons, which still continues.

That each Commissioner being allowed a yearly salary of 300 *l.* the salaries of the first Commissioners amounted to 7,500 *l. per annum*, and the second to 4,500 *l. per annum* ; the whole in four years time being 24,000 *l.*

From whence it appears, that a great part of the money that was designed for paying the publick debts of *Scotland*, has been expended, as your Commissioners conceive, contrary to the true intent and meaning of the articles of the *Union*, and the subsequent acts of Parliament relating to this money.

For your Commissioners are opinion, that the receiving and distributing of the *equivalent money*, was not a work of so intricate a nature, nor attended with such difficulties and labour, but that it might have been sufficiently performed by a much less number of Commissioners than were appointed in either of the commissions, and thereby a large sum

sum of money saved and applied for payment of the public debts, many of which remain still unsatisfied.

By the 15th article of the *Union*, it was agreed, that the yearly sum of 2000 *l.* should be paid, for the space of seven years, out of the *equivalent money*, for encouraging of the manufactories of coarse wool, the first 2000 *l.* to be paid at *Martinmas*, 1707, and the like sum at each *Martinmas* during the said seven years.

By the sixteenth act of the *Scotch* Parliament, intituled, *An act concerning the public debts*, it is provided, that the said sum of 2000 *l. per Annum*, shall be paid previous to the public debts.

By both the aforesaid commissions, the Commissioners are required to apply the *equivalent money* in the terms, and after the manner and the uses prescribed by the aforesaid articles of the *Union* and acts of Parliament.

Nevertheless, in the state of the cash of the *equivalent*, exhibited to us by the Commissioners, they charge themselves with 14000 *l.* appointed for the coarse wool, but in the discharge, it does not appear, that any sum has been applied or reserved for that purpose, the whole sum of 398,085 *l.* 10 *s.* being issued and expended for other uses.

And we cannot but take notice, that tho' they charge themselves with the said 398,085 *l.* 10 *s.* specifying the particular uses to which every part thereof was appropriated; yet in the discharge of the said account, instead of applying the said sum to the aforesaid appropriated uses, they state 13,480 *l.* 5 *s.* 5 *d.* as the salaries of 21 Commissioners, from the 5th of *June* 1707, to the 25th of *July*, 1709, being two years and 51 days, and 9000 *l.* as two years salary of the 15 present Commissioners, from the 25th of *July* 1709, to the 26th of *July* 1711, amounting in the whole

to

to 22,480 *l.* 5 *s.* 5 *d.* of which they have received in money the sum of 19,698 *l.* 18 *s.* 10 *d.* $\frac{1}{2}$ and they state the remaining 2,781 *l.* 6 *s.* 6 *d.* $\frac{1}{2}$ as a balance to them.

By the act of the 6th of the Queen, intituled, *An act for the further payment of the equivalent*, each Commissioner of the *equivalent* is allowed a yearly salary of 300 *l.* but it is expressly provided, that the same shall be paid out of any sum of money, (other than the sum of 398,085 *l.* 10 *s.* the first *equivalent money*,) that has, or shall become due to Scotland by way of *equivalent*.

From which we humbly conceive, the Commissioners have no right to demand and state the said sum of 22,480 *l.* 5 *s.* 5 *d.* out of the said sum of 398,085 *l.* 10 *s.* paid to them.

The Commissioners by the state of the cash, have overpaid the sum of 2,781 *l.* 6 *s.* 6 *d.* $\frac{1}{2}$, whereas we humbly conceive, that if they be compelled to account in the terms of the articles of the Union acts of Parliament, and their own commission, there doth remain in their hands the sum of 19,698 *l.* 18 *s.* 10 *d.* $\frac{1}{2}$ detained by them for the payment of their salaries, and for which they are accountable.

The customs of *Scotland* before the Union, were let in lease by the Lords of the treasury there, and your Commissioners having reason to believe, that the farmers thereof, were guilty of many illegal practices highly prejudicial to trade, and her Majesty's revenue arising from the customs before and since the Union, have made some enquiries into that affair. But the same being a matter of great consequence, very intricate, and attended with many difficulties, your Commissioners beg leave to postpone a particular report thereof, till they shall be better prepared to set it in a true light.

Your Commissioners being informed, that the Commissioners appointed by an act of the sixth year of her Majesty's reign, intituled, *An act for paying the*

the debentures of fish and flesh, cured with foreign salt imported before the Union, and ascertaining the price of foreign salt remaining in Scotland, had not applied all the money given by the said act to the uses therein mentioned, and particularly, that they had made several deductions from the said debentures, and price of salt allowed by law, did require the said Commissioners to exhibit a state of their accounts; in which it did not appear, that they had made any deductions whatsoever; the full value of the debentures, and price of the salt delivered over to the Queen's use, being stated in their discharge.

But having examined on oath Mr. *Gilbert Stewart*, one of the said Commissioners, he deposed, That the sum of 2,780*l.* 8*s.* 1*d.* was proportionably deducted from the said debentures and price of salt, on account of charges in obtaining of the act of Parliament, for paying the said debentures on salt. That this was done by the consent of almost all the proprietors, who by a deed under their hands did appoint a Committee of their own number, to state and allow such deductions on this account as they should think reasonable. Which Committee did agree to the said sum of 2,780*l.* 8*s.* 1*d.* and directed the payment thereof in the manner, and to the persons mentioned in an act signed by them, and exhibited on oath to your Commissioners by the said Mr. *Gilbert Stewart*.

By an article in this account the sum of 195*l.* is stated as paid to *William Cockran*, Esq; on the account of his charges in obtaining the act of Parliament for paying the said debentures on salt.

And the said Mr. *Stewart* did on oath acquaint the Commissioners, that Mr. *Cockran* was concerned in trade with the said *Stewart* and others, who gave a commission to Mr. *Cockran* to go to *London*, and dispose of a quantity of goods they had sent thither, and did promise to pay him what charges and expences

pences he should be at on that account. That afterwards, when Mr. *Cockran* returned from *London*, he charged and claimed in his account, 300 *l.* as his expences, which Mr. *Stewart* and his partners allowed him, with this *proviso*, that he should pay to them whatever sum should be given as a gratuity from the proprietors of the salt and debentures, on account of his services in obtaining the said act. That accordingly, when the said 195 *l.* allotted to Mr. *Cockran*, was paid, he gave his receipt for it: But the said *Stewart* retained the money, and afterwards divided it betwixt himself and partners in trade; conformable to the above-mentioned agreement with Mr. *Cockran*.

Your Commissioners having humbly given their thoughts on the mismanagement in the public revenues of *Scotland*, will now proceed to such observations as have occurred to them in pursuing the accounts of that of *England*.

First, We have endeavoured to examine into the reason, how so large sums of public money remain still unaccounted for by the persons intrusted with it; and we conceive this proceeds from the neglect of those in issuing process. For in some cases, process hath never been issued; in others, where it hath been issued, the returns were generally *Nichils*, or of very small issues, even where the accomptants were possessed of considerable estates in land, and other valuable effects.

And there hath not been only a neglect of issuing process against accomptants, but warrants have been often granted from the treasury, to stop the execution thereof when issued, where accounts have been many years depending, and where there was reason to suspect the circumstances of the accomptants, which though grounded upon better pretences than any yet appear to your Commissioners, must be an imputation of mismanagement.

Some

Some attempts have been made of late towards curing this evil, for a *capias ad computandum*, which is the most essential process of the Exchequer, and which hath for many years been disused, is now revived, and an office appointed to issue it against the persons of the accomptants, where a *distringas* is not sufficient. This hath been done with so good effect, that accounts of money, impressed many years past, have been lately delivered to the auditors.

Many instances of what is here asserted have appeared to your Commissioners, in certificates delivered on oath by the proper Officers, some of which we humbly lay before you, &c.

But as the neglect of passing accounts, according to the rules and methods of the Exchequer, has been a great detriment and loss to the public; so it has been a great prejudice, that many accounts have been passed by privy-seals, and in an extraordinary and irregular manner. For on perusing and examining some of them, we find that they have not been desired so much to supply the want of form, (the only colourable pretence for allowing them) as to justify unreasonable and extravagant payments, such as are directly contrary to the rules of the navy; not warranted by the establishments of the army, nor grounded on any treaties or conventions with foreign Princes.

In the privy-seals granted or craved, and for which warrants are obtained by the Pay-master of the army, several articles are included, which, as far as we are capable of judging, ought not to have been allowed.

As in particular for secret service; which had no relation to the army.

For paying the foreign forces in *British* pay, according to the establishment, without muster-rolls; which your Commissioners are of opinion was one great reason that no care was taken to keep the corps compleat.

For allowing contingencies and extraordinaries according to the *Dutch* Secretaries certificates, without farther vouchers.

For payment to the Electors of *Treves* and *Cologn*, not referring to, or grounded on any treaty.

In a privy-seal for passing the accounts of *Paul Metbuen*, Esq; son of *John Metbuen*, Esq; we find the following extraordinary payments allowed.

1. The charge of embarking one, and disembarking another *Dutch* regiment.
2. Three * thousand *Mill Rees*, on a bill drawn by the Prince of *Hesse* on *Monf. Schonenburgh*, the *Dutch* Plenipotentiary, which being refused by him, was paid, as is set forth in the privy-seal by the said *Mr. Metbuen*, for the honour of that Prince, and there declared it ought to be repaid by the *States-General*.
3. One thousand five hundred *Mill Rees* expended in presents given to the Emperor of *Morocco*, in maintaining his Ambassador.
4. Thirty five thousand five hundred ninety five *Mill Rees*, for the subsisting, cloathing, and arming of *Spaniards*. For the payment of which, we do not find he had any authority but the King of *Spain's* order.
5. One thousand one hundred and twenty five *Mill Rees* for freight of the King of *Spain's* coaches and horses, and powder, presented to him by the King of *Portugal*.

In the account delivered to us by *Mr. Metbuen*, he charges 7,635 *Mill Rees*, as paid on account of the *Spaniards* before-mentioned, which was not included in the privy-seal, and owns that for several

* N. B. A thousand *Mill Rees* amount to about 350 pounds sterling.

articles allowed in the privy-seal, no vouchers could be produced.

There are great sums due on bonds for her Majesty's customs, which has occasioned a considerable loss to the government, the merchants from whom they were taken, being many of them, with their securities, become insolvent. This loss we apprehend, might, in some measure, have been prevented, had the bonds been put in suit, as they ought to have been, immediately after they became due, and not continued so long in the Remembrancer's hands without prosecution, or had care been taken not to have suffered the merchants to have engaged into new bonds, before they had discharged the principal and interest on their former bonds, according to the instructions of the Commissioners of customs to their Officers.

By these compositions, the public has lost 112,499 *l.* 17 *s.* 7 *d.* $\frac{1}{2}$, supposing the whole sum compounded for were paid into the Exchequer, but as there has been only 22,227 *l.* 0 *s.* 9 *d.* $\frac{1}{2}$ paid, the loss to the public on this head, may be computed at 117,950 *l.* 3 *s.* 11 *d.* $\frac{3}{4}$.

Of the money issued for the transport service, there has been paid 121,125 *l.* 17 *s.* 6 *d.* $\frac{1}{2}$ to Mr. *Atkinson* and Mr. *Roop*, who from the 6 *Feb.* 1701, to 23 *June* 1704, transacted the whole business of this office; on the examination of whose accounts, we humbly offer the following observations.

That notwithstanding they are intrusted with the disposition of so large sums, no security was ever taken or demanded, either for the faithful discharge of their trust, or the due answering the sums issued to them.

That they never received any instructions, by which they should guide themselves in the execution of their office, but being left at liberty to make their payments in what manner they pleased, they neither numbered their bills, nor paid them in

course, according to the method of the navy office, and as they have been of late obliged to do.

That they being no otherwise constituted than by a minute of the treasury, and being themselves cashiers of the money appointed for that service, we humbly conceive they were not vested with sufficient authority to make any payments, or warrant their proceedings in the management of that affair. In which opinion we are confirmed by the patent, bearing date the 15th of *August* 1710, which we observe not only appointed them to act as Commissioners of the transports for the future, but has a retrospect to their proceedings before in the performance of that service, which are therein confirmed and made valid.

That on the 22d of *June* 1704, when Mr. *Nutin* was appointed Treasurer of the transports, there was a balance in their hands of the sum of 6,386 *l.* 1 *s.* 5 *d.* $\frac{1}{4}$, out of which they have paid to several persons 3,483 *l.* 6 *s.* 10 *d.* but kept the remainder till the 7th of *December* 1710, at which time they paid to Mr. *Micklewaite*, the present Treasurer, 2,429 *l.* 0 *s.* 4 *d.* $\frac{1}{4}$, and still retain 473 *l.* 14 *s.* 2 *d.* $\frac{1}{2}$ on pretence of defraying the charge of passing their accounts: In excuse of their so long detaining the sum lately paid to Mr. *Micklewaite*, they alledge, that they knew Mr. *Nutin* and Mr. *Mason*, to be men of such circumstances and characters as could not safely be entrusted with publick money.

We having nothing farther to observe on the accounts of Mr. *Atkinson* and Mr. *Roop*, but that they discharge themselves by payments on bills and otherwise, of the sum of 120,652 *l.* 3 *s.* 4 *d.* whereof they have paid on imprests 11,523 *l.* 1 *s.* 6 *d.* and that for these payments, they have laid some accounts before the auditors, but have passed as yet an account for one year only, notwithstanding it is now more than seven years since any money has been issued to them.

Mr. Nu-

Mr. *Nutin* was appointed Treasurer of the transports, on the 22d of *June* 1704, and though he received whilst in that employment, 108,118 *l.* 16 *s.* 10 *d.* $\frac{1}{2}$, he gave a security of 2000 *l.* only; he continued in this office till *January* 1705, about which time he was dismissed for embezzling the public money. Mr. *Nutin* is not to be found, being by order of the late Lord Treasurer discharged out of prison; so that we can say nothing farther in relation to his accounts, except that those for one year have been laid before the Auditors, but have not been prosecuted: Mr. *Nutin* having misapplied the public money, and it being thought necessary to put that office under a better regulation, the late Lord Treasurer ordered, that for the future, the money issued for that service should be brought by the Treasurer into the office, to be locked up there, who should also transmit weekly certificates to the treasury, signed by himself, and one of the Commissioners at least.

Notwithstanding these orders, and the complaints of the Commissioners to the late Lord Treasurer, and his repeated directions that they should be observed, Mr. *Mason*, who succeeded Mr. *Nutin*, on the 18th of *January* 1705, neglected for some time to give any account of the money received, and brought none of it into the office to be locked up, till the 18th of *January* 1706, and during the whole time of his continuance in that office kept some of the public money in his hands. In particular, he received at the Exchequer, on the 7th of *November* 1707, 35,778 *l.* 18 *s.* 9 *d.* and kept the whole sum in his hands till the first of *December* following, at which time he brought into the office 30,000 *l.* in *specie*, and a bank receipt for several notes of one *Newell*, amounting to 5,403 *l.* 10 *s.* which was afterwards returned to Mr. *Mason*, *Newell* failing before the bank received the money. This was represented to the treasury by the Com-

missioners, in a letter on the 9th of *December* 1707, notwithstanding which, Mr. *Mason* was continued in his office till the 14th of *April* following, and considerable sums were issued to him. He is accountable for 262,816*l.* 19*s.* 7*d.* of which he discharges himself by payments of the sum of 256,927*l.* 5*s.* 5*d.* whereof he has paid on imprests, 23,668*l.* 17*s.* 9*d.* He has had some accounts before the Auditors, but none of them are yet passed.

Mr. *Mason* was succeeded by Mr. *Micklewaite*, on the 19th of *April* 1708, between which time, and the 24th of *June* 1711, we find there has been issued to him from the Exchequer, 476,341*l.* 6*s.* 11*d.* $\frac{3}{4}$, and he voluntarily chargeth himself with the sum of 4,010*l.* 7*s.* 2*d.* $\frac{1}{4}$. Mr. *Micklewaite* has laid his accounts before the Auditors, to *Michaelmas* 1710, which are ready for a declaration.

We will conclude our remarks on the management of this part of the service, with observing, that though the Commissioners have given certificates to the Pay-master of the forces, of the number of men shipped, that a deduction might be made for the victuals furnished in their passage to *Flanders*, and that there ought to have been deducted out of the pay of the soldiers, more than 1300*l.* on that account, as was represented to the house last session, yet no part thereof has been paid over to that office.

Though your Commissioners are not yet possessed of all the accounts of the navy, they think it their duty to represent some articles of payments in the accounts laid before them by Mr. *Walpole*, late Treasurer of the navy, which being made at a time when that service was clogged with great debts, seems very extraordinary, and such as they apprehend inconsistent with the rules of the navy.

The first instance is a payment of 2000*l.* by Mr. *Walpole*, to the Earl of *Orford*, out of the money properly applicable to the use of the navy, by
virtue

virtue of a warrant from her Majesty, bearing date the 13th of *July* 1710, which was given to the said Earl, as her Majesty's royal bounty.

The other instance is two payments, amounting to 1,452 *l.* 14 *s.* 8 *d.* made also by Mr. *Walpole*, to *Henry Priestman*, Esq; pursuant to a warrant from her Majesty, dated *July* 7th, 1710, which directs that 10,000 *l.* *per annum* should be paid during her pleasure, out of such money as then was, or should be in Mr. *Walpole's* hands for the service of the navy, both which are counter-signed, *Godolphin*.

How prejudicial the allowance of these articles may be to the public, we presume not to affirm, but must acquaint you, that the Commissioners of the navy, whose duty it is to inspect and sign the Treasurer's account, say, that they never knew any such warrants heretofore, and that regularly all warrants should come from the Lords of the treasury, or Lords of the admiralty, to them.

We therefore humbly submit to the house, whether these warrants ought to have been answered by the Treasurer of the navy, though counter-signed by the Lord Treasurer.

We find an addition to the establishment of the navy, of four senior Captains appointed to act as Commanders in chief, at *Gatbam*, *Plymouth*, *Portsmouth*, and *Harwich*, in the absence of Flag-officers, by the name of Superintendants. This new office, your Commissioners observe, was erected at a time when some irregular promotions had been made in the fleet, and hath occasioned an increase of charge, without any advantage to the service, *viz.*

	<i>l.</i>	<i>s.</i>	<i>d.</i>
<i>In the year</i> 1709 —————	4,053	03	04
<i>In the year</i> 1710, —————	3,954	15	00
<i>And in the year</i> 1711, —————	4,019	15	07
	<hr/>		
	12,027	13	11
	<hr/>		

Here your Commissioners think it not improper to mention a debt of 115,014*l.* 10*s.* 2*d.* $\frac{1}{2}$, which appears to them by the return made from the navy-board, to have been many years due to *England*, from the *States-General*, for stores lent. — We also find by the same return, that an account of this debt has been long since presented by the Commissioners of the navy, to the Lords of the admiralty, but without effect.

All which is humbly submitted to the consideration of the house.

Patronage
bill sent
up to the
Lords.

The Commons having, on the 17th of *April*, read the third time, and passed the *bill to restore patrons to their ancient rights in Scotland*, and sent it up to the Lords for their concurrence; the agents for the presbyterians of that part of *Great-Britain*, resolved to follow it thither, and thereupon drew up the following *representation*.

To the most honourable the Lords spiritual and temporal in Parliament assembled.

The humble representation of William Carstares, Thomas Blackwell, and Robert Baillie, Ministers of the Church of Scotland, appointed by the commission of the late General Assembly of the Church of Scotland, to take all proper and legal methods for preserving the rights and privileges of the aforesaid Church.

‘ **I**T is with all humble duty and submission re-
‘ presented unto your Lordships, that this de-
‘ pending bill seems to be contrary to the present
‘ constitution of our Church, so well secured by the
‘ treaty

‘ treaty of Union, and solemnly ratified by the acts
‘ of Parliament in both kingdoms. That this may
‘ be more clear, it is to be observed, that from the
‘ first reformation from Popery, the Church of
‘ *Scotland* hath always reckoned patronages a grie-
‘ vance and burthen, as is declared by the first and
‘ second books of the discipline, published soon after
‘ the said reformation, since which time they were
‘ still judged a grievance, till at length they came
‘ by law to be abolished.

‘ These patronages having been restored with
‘ episcopacy in the years 1661 and 1662, did con-
‘ tinue to the year 1690, when episcopacy was abo-
‘ lished, and presbyterian church government again
‘ established; and tho’ the act of Parliament 1690,
‘ resettling presbyterian church government, was
‘ founded upon the act of Parliament 1592, which
‘ bears a relation unto patronages, yet the said act
‘ of Parliament 1690, doth expressly except that
‘ part of the old act, and refer patronages to be
‘ thereafter considered, which accordingly was con-
‘ sidered in the same Parliament 1690, whereby it
‘ is plain, that the abolition of patronages was made
‘ a part of our Church constitution, enacted by the
‘ act 1690, and that this act 1690, with all other
‘ acts relative thereto, being expressly ratified, and
‘ for ever confirmed by the act for securing the
‘ Protestant religion and Presbyterian government,
‘ and engrossed as an essential condition of the rati-
‘ fications of the treaty of Union, past in the Parlia-
‘ ments of both kingdoms; the said act abolishing
‘ patronages must be understood to be a part of our
‘ Presbyterian constitution, secured to us by the
‘ treaty of Union for ever.

‘ Yet it is to be particularly considered, that the
‘ same Parliament 1690, was so tender of the civil
‘ rights of patrons, and so sincerely desirous to re-
‘ store the church to its just and primitive liberty
‘ of calling Ministers, in a way agreeable to the
‘ word

' word of God, that they only discharged the pa-
 ' tron's power of presenting Ministers to vacant
 ' churches, but as to any thing of civil rights, did
 ' make the condition to patrons better than before,
 ' not only by reserving unto them the right of
 ' disposal of vacant stipends, for pious uses, within
 ' the paroch, but also giving unto them the here-
 ' table rights of the tythes, restricting the Minister
 ' who formerly had the said right, to stipends much
 ' below the value of the said *tythes*, notwithstanding
 ' which advantageous concession to the patrons by
 ' the Parliament, this bill takes back from the
 ' Church the power of presentation of Ministers,
 ' without restoring the tythes which formerly be-
 ' longed to her, by which the patrons come to en-
 ' joy both the purchase and the price.

' This being then the true account of our legal
 ' settlement as to this matter, it appears to be evi-
 ' dent that the restitution of patronages, as to the
 ' point of presentation, can only gratify a few,
 ' while, on the other hand, it must necessarily dis-
 ' oblige a far greater number, that are now freed of
 ' that imposition, and indeed it cannot but seem
 ' strange, that this bill should be so much insisted
 ' upon, when there are so many patrons, and those
 ' too of the most considerable in *Scotland*, that are
 ' against such a restitution.

' It is also apparent that the Presbyteries must
 ' come under many difficulties and hardships, as to
 ' their compliance with this innovation, and that
 ' many contests, disorders, and differences, will pro-
 ' bably ensue betwixt patrons, presbyters, heretors,
 ' and people, besides the known abuses, wherewith
 ' patronages have been attended, even in their most
 ' settled condition: Whereof many instances might
 ' be given; especially, that thereby a foundation
 ' was laid for simoniacal factions, betwixt patrons
 ' and those presented by them, and likewise Mi-
 ' nisters were imposed upon paroches by patrons
 ' who

‘ who were utterly strangers to their circumstances,
 ‘ having neither property nor residence therein.

‘ It is therefore with all submission expected from
 ‘ your Lordships justice, and mature deliberation,
 ‘ that a bill, as we humbly conceive, so nearly af-
 ‘ fecting the late treaty of Union, in one of its most
 ‘ fundamental and essential articles, respecting the
 ‘ preservation of the rights and privileges, which
 ‘ our Church at that time was possessed of by law,
 ‘ for the security of which the Parliament of *Scot-*
 ‘ *land* was so much concerned, as not to allow their
 ‘ Commissioners to make it any part of their treaty,
 ‘ but reserved it as a thing unalterable by any judi-
 ‘ cature, deriving its constitution from the said
 ‘ treaty; shall not be approved by your Lordships,
 ‘ especially while the nature of the treaty itself
 ‘ shews it to be a reciprocal transaction betwixt the
 ‘ two nations.’

WIL. CARSTARES.

THO. BLACKWELL.

ROBERT BAILLIE.

It is observable, that this representation was first printed and presented with this title, *To the most honourable the Peers of Great-Britain*: But an exception being taken to it, because it seemed either to imply that the Bishops were Peers upon the same foot with the temporal Lords, or to exclude them from being concerned in the address; neither of which would be admitted; the said representation was thereupon drawn, and new printed and presented as above. It is also to be observed, that notwithstanding the said mistake, which some were apt to construe as an intended slight on episcopacy, yet five of the Bishops, who entertained more charitable thoughts, and were apprehensive of the fatal consequences of the *bill for restoring lay patronages*, gave

Exception taken to the first title of this representation.

The bill to
restore pa-
tronages in
Scotland
passes both
houses.

gave their votes against it. But the majority of the house of Lords were of another opinion; and so the bill was on the 14th of *April* sent back to the Commons with a small amendment, to which the Commons afterwards agreed.

On *Tuesday* the 27th of *May*, the Lord *Hallifax* acquainted the house of Peers, that he had matters of great importance to lay before them, and desired that the members of that house might be summoned to attend the service of the house the next day; which being ordered accordingly, his Lordship began his speech with taking notice of the declaration made by the Duke of *Ormond*, That he had orders not to act offensively against the enemy; afterwards endeavoured to shew the ill consequences of such a proceeding, and the necessity of carrying on the war with the utmost vigour, in order to obtain a safe and honourable peace: And, in the conclusion, made a motion for addressing the Queen, humbly to desire her Majesty, to lay before the house the orders she had sent to her General, and to order him to act offensively in concert with the allies. Several other Lords spoke to the same purpose, backed his Lordship's motion, and pressed the Lords in the Ministry to acquaint the house, whether any orders of restraint had been sent to the Duke of *Ormond*? The Lord High-Treasurer answered most of those speeches, and having assured the house, that in a very few days, her Majesty, according to her promise, would lay before them the conditions on which a general peace may be made; which he doubted not would give entire satisfaction to every member of that illustrious assembly, and to all true *Englishmen*: The Lord *Hallifax* would thereupon have dropt his motion, but the opposite party being secure of a majority, insisted to have the question put for adjourning the debate; which being done accordingly, the same was carried in the affirmative by 63 voices, against 40: Whereupon

Debates in
the house of
Lords about
the Duke of
Ormond's
declining to
fight.
May 28th.

upon several Lords entered their protests. It is observable, that a great Lord having declared, that there was no separate peace, and that the same would be foolish, knavish, and villainous; the Earl of *Wharton* desired that illustrious assembly to remember that declaration. After this, upon a motion made by the Earl of *Strafford*, it was resolved to address her Majesty, to desire that she would be pleased to cause the papers relating to the negotiations at the *Hague* and *Gertruydenburg* to be laid before the house.

The same day Mr. *Poultney* made a motion in the house of Commons, that an humble address be presented to her Majesty, that her faithful Commons are justly alarmed at the intelligences received from abroad, that her General in *Flanders* has declined to act offensively against *France*, in concurrence with her allies; and being under the deepest concern for the dangerous consequences which must arise from thence to the common cause, do with all humility beseech her Majesty, that speedy instructions may be given to her General in *Flanders*, to prosecute the war with the utmost vigour, in conjunction with her allies, as the best means to obtain a safe and honourable peace for her Majesty, and all of them; and to quiet the minds of the people, who cannot but be extremely apprehensive of the fatal consequences of such a division. But after a debate, in which Mr. Secretary gave assurances much to the same purpose as the Lord High Treasurer had done in the house of Lords, the motion being formed into a question, and the question put, it was carried in the negative by a majority of 203 voices against 73; after which, it was resolved, that this house hath an entire confidence in her Majesty's most gracious promise, to communicate to her Parliament the terms of the peace before the same shall be concluded; and that they will support her Majesty in obtaining an honourable and safe peace, against

May 28th.
Motion
made by Mr.
Poultney in
the house of
Commons
rejected.

Resolution
for putting
an entire
confidence in
the Queen.

against all such persons, either at home and abroad, as have endeavoured, and shall endeavour, to obstruct the same; and that the said resolution be laid before her Majesty by the whole house.

The said resolution being accordingly laid before the Queen on the 30th of *May*; her Majesty was pleased to return this answer.

Gentlemen,

Her Majesty's answer.

I Thank you most heartily for this resolution, which is dutiful to me, honest to our country, and very seasonable at this time, when so many artifices are used to obstruct a good peace, or to force one disadvantageous to Britain.

Address in favour of the episcopal clergy in Scotland.

This answer being the next day reported to the house, it was resolved, that the humble thanks of the house to be returned to her Majesty for the same. It was also resolved, upon a motion made by Mr. *Murray*, that an humble address be presented to her Majesty, that she would be pleased to apply the rents of the late Bishops lands in *North-Britain*, that remain in the crown, for the support of such of the episcopal clergy there as shall take the oath to her Majesty.

The substance of the Lords protest against the orders for not fighting.

It was observed before, that on the 28th of *May*, several Lords not only made warm speeches, but protested against the orders produced by the Duke of *Ormond*, not to act offensively against the *French*. Not many days after the said protest was published in print, containing in substance.

1. That their Lordships conceived such an order as was proposed in the question, to be absolutely necessary, because they were convinced that the Duke of *Ormond* lay under some order of restraint from acting offensively, not only from the accounts which were public both here and in *Holland*, of his

his declaring it to Prince *Eugene*, and to the Deputies of the *States*, at their late consultation, when both Prince *Eugene* and those Deputies earnestly pressed him to join in attacking the *French* army, which was then known to be much inferior to that of the allies, both in the number and condition of their troops, but also for that nothing of this whole matter was denied by those Lords, who had the means of knowing these facts, as undoubtedly would have been, without scruple, had not the said facts been true; since no scruple was made of acquainting the house with a subsequent order, very lately sent to the Duke of *Ormond*, allowing him to join in a siege; which was a further evidence, that he had before some order of restraint, for otherwise this last order would be unnecessary and absurd, it being a general, constant, and standing instruction to every Commander in chief, by land or sea, to do his utmost endeavours to annoy the enemy. And it is manifest by this last order, that even in the opinion of the Ministers, it was expedient to take off this restraint to some degree: And the leaving the Duke of *Ormond* still under a restraint from giving battle to the *French*, seemed most unaccountable, and inconsistent with the liberty indulged to him of joining in a siege, and rendered it altogether useless: For no place, when taken, could be of such advantage to the allies as *Cambray*, which opens a free passage for our army into the heart of *France*; and it was impossible to besiege that place, without dislodging the *French* from their encampment; and this also was impossible, if the *French* would keep their ground. Other attempts seemed to be of little use, but might serve to give the *French* time, which they did not want skill to improve.

2. That they conceived it would be derogatory to her Majesty's honour, to publick faith, and that justice which was due to her Majesty's allies; and that

that it was a sort of imposing upon our allies a cessation of arms, without their consent, and in the most prejudicial manner, because they were not so much as acquainted with it, and so might have been lead into great difficulties ; besides, that it frustrated all essential advantages against the common enemy, which might be of fatal consequence to this nation, and all *Europe*.

3. Because it was acknowledged that a general peace was not concluded, as indeed it was very unlikely it should be, there having been no answers in writing given by the *French* to the specific demands of the allies, though the same were delivered to the *French* three months ago : And it was further declared, that there was no separate peace, nay, that such a peace would be foolish, knavish, and villainous. And therefore while we were in war, and had no security of peace, their Lordships conceived, that such an order of restraint was a plain neglect of all those happy opportunities which providence might, and lately did, put into our hands, of subduing our enemy, and forcing him to a just and honourable peace. And surely it was imprudent and dangerous to rely on the promises of *France*, which were so far from being any security, that even a peace would not be safe, in their opinion, unless it be such as gave so full satisfaction to the allies, that they should be willing to join with us in a mutual guaranty of it.

4. That her Majesty having with great wisdom declared to this Parliament, that *the best means of obtaining a good peace, was to make early preparations for war, and a vigorous prosecution of it* : And since the Parliament had with great duty and deference to her Majesty, and a just zeal for the interests of their country, and of *Europe*, given very great supplies for that purpose, their Lordships conceived, that such an order of restraint being very different
from

from that declaration of her Majesty, must be the effect of very ill advice ; by which the Parliament's good intention would be defeated, and all those heavy loads of taxes, which they have for so good purposes chearfully given, rendered fruitless and unnecessary ; and might in conclusion, after having thus trifled away our wealth and time, bring us into the necessity of accepting such a peace, as it should please an insolent and domineering enemy to give us.

This protest was also published abroad in *French*, and other languages ; and the names of the Peers who signed it were the Dukes of *Devonshire*, *Marlborough*, *Rutland*, *Bolton*, *Mountague*, and *Somerset* ; the Marquis of *Dorchester* ; the Earls of *Whar-ton*, *Derby*, *Nottingham*, *Bridgewater*, *Godolphin*, *Carlisle*, *Orford*, and *Scarborough* ; the Lord Viscount *Townshend* ; the Lords Bishops of *Oxford*, *Sarum*, *Bangor*, *St. Asaph* ; and the Lords *Rockingham*, *Cowper*, *Haversham*, *Mobun*, and *Hallifax*.

The Lord High Treasurer having engaged his promise to the house of Peers, as Mr. Secretary *St. John* did to the Commons, that in a few days the Queen would communicate to the Parliament the terms on which a general peace might be made, there was a kind of necessity not to keep the world any longer in suspense, about that important affair. Therefore on *Friday* the 6th of *June*, the Queen came to the house with the usual solemnity, and having given the royal assent to several public and private acts, her Majesty made the following speech to both houses of Parliament.

My Lords and Gentlemen,

THE making peace and war, is the undoubted prerogative of the crown ; yet such is the just confidence I place in you, that at the open-

‘ ing of this session, I acquainted you that a negotiation for a general peace was begun, and afterwards by messages, I promised to communicate to you the terms of peace, before the same should be concluded.

‘ In pursuance of that promise, I now come to let you know, upon what terms a general peace may be made.

‘ I need not mention the difficulties which arise from the very nature of this affair, and it is but too apparent, that these difficulties have been increased by other obstructions, artfully contrived to hinder this great and good work.

‘ Nothing however has moved me from steadily pursuing, in the first place, the true interest of my own kingdoms, and I have not omitted any thing which might procure to all our allies what is due to them by treaties, and what is necessary for their security.

‘ The assuring of the protestant succession, as by law established, in the house of *Hanover*, to these kingdoms, being what I have nearest at heart, particular care is taken, not only to have that acknowledged in the strongest terms, but to have an additional security, by the removal of that person out of the dominions of *France*, who has pretended to disturb this settlement.

‘ The apprehension that *Spain* and the *West-Indies* might be united to *France*, was the chief inducement to begin this war, and the effectual preventing of such an union, was the principle I laid down at the commencement of this treaty.

‘ Former examples, and the late negotiations, sufficiently shew how difficult it is to find means to accomplish this work. I would not content myself with such as are speculative, or depend on treaties only, I insisted on what is solid, and to have at hand the power of executing what should be agreed.

‘ I can

‘ I can therefore now tell you, that *France* at last is brought to offer, that the Duke of *Anjou* shall, for himself, and his descendants, renounce for ever all claim to the crown of *France*, and that this important article may be exposed to no hazard, the performance is to accompany the promise.

‘ At the same time the succession to the crown of *France* is to be declared, after the death of the present Dauphin and his sons, to be in the Duke of *Berry* and his sons, in the Duke of *Orleans* and his sons, and so on to the rest of the house of *Bourbon*.

‘ As to *Spain* and the *Indies*, the succession to those dominions, after the Duke of *Anjou* and his children, is to descend to such Prince as shall be agreed upon at the treaty, for ever excluding the rest of the house of *Bourbon*.

‘ For confirming the renunciations and settlements before mentioned, it is further offered, that they shall be ratified in the most strong and solemn manner, both in *France* and *Spain*, and that those kingdoms, as well as all the other powers engaged in the present war, shall be guarantees to the same.

‘ The nature of this proposal is such, that it executeth itself. The interest of *Spain* is to support it, and in *France*, the persons to whom that succession is to belong, will be ready and powerful enough to vindicate their own right.

‘ *France* and *Spain* are now more effectually divided than ever. And thus, by the blessing of God, will a real balance of power be fixed in *Europe*, and remain liable to as few accidents as human affairs can be exempted from.

‘ A treaty of commerce between these kingdoms, and *France*, has been entered upon, but the excessive duties laid on some goods, and the prohibitions of others, make it impossible to finish this work so soon as it were to be desired. Care

‘ is however taken to establish a method of settling
 ‘ this matter, and in the mean time provision is
 ‘ made, that the same privileges and advantages as
 ‘ shall be granted to any other nation by *France*,
 ‘ shall be granted in like manner to us.

‘ The division of the island of *St. Christopher* be-
 ‘ tween us and the *French*, having been the cause of
 ‘ great inconvenience and damage to my subjects,
 ‘ I have demanded to have an absolute cession made
 ‘ to me of that whole island : And *France* agrees to
 ‘ this demand.

‘ Our interest is so deeply concerned in the trade
 ‘ of *North-America*, that I have used my utmost
 ‘ endeavours, to adjust that article in the most be-
 ‘ neficial manner. *France* consents to restore to us
 ‘ the whole bay and streights of *Hudson*, to deliver
 ‘ up the islands of *Newfoundland*, with *Placentia*,
 ‘ and to make an absolute cession of *Annapolis*,
 ‘ with the rest of *Nova Scotia*, or *Accadie*.

‘ The safety of our home trade will be better
 ‘ provided for by the demolition of *Dunkirk*.

‘ Our *Mediterranean* trade, and the *British* in-
 ‘ terest and influence in those parts, will be secured
 ‘ by the possession of *Gibraltar* and *Port-Mabon*,
 ‘ with the whole island of *Minorca*, which are of-
 ‘ fered to remain in my hands.

‘ The trade to *Spain* and to the *West-Indies*, may
 ‘ in general be settled, as it was in the time of the
 ‘ late King of *Spain*, *Charles* the second, and a
 ‘ particular provision be made, that all advantages,
 ‘ rights or privileges, which have been granted, or
 ‘ which may hereafter be granted by *Spain* to any
 ‘ other nation, shall in like manner be granted to
 ‘ the subjects of *Great-Britain*.

‘ But the part we have borne in prosecution of this
 ‘ war, intitling us to some distinction in the terms
 ‘ of peace, I have insisted and obtained, that the
 ‘ assiento, or contract for furnishing the *Spanish*
 ‘ *West-Indies* with negroes, shall be made with us
 ‘ for

‘ for the term of 30 years, in the same manner as
‘ it has been enjoyed by the *French* for these 10
‘ years past.

‘ I have not taken upon me to determine the in-
‘ terest of our confederates; these must be adjusted
‘ in the congress at *Utrecht*, where my best endea-
‘ vours shall be employed, as they have hitherto
‘ been, to procure to every one of them all justice
‘ and reasonable satisfaction. In the mean time, I
‘ think it proper to acquaint you, that *France* offers
‘ to make the *Rhine* the barrier to the empire; to
‘ yield *Brisac*, the fort of *Kehl* and *Landau*, and to
‘ raise all the fortresses, both on the other side of the
‘ *Rhine*, and in that river.

‘ As to the *protestant* interest in *Germany*, there
‘ will be, on the part of *France*, no objection to the
‘ re-settling thereof on the foot of the treaty of
‘ *Westphalia*.

‘ The *Spanish Low-Countries* may go to his impe-
‘ rial Majesty; the kingdoms of *Naples* and *Sar-*
‘ *dinia*, the duchy of *Milan*, and the places belong-
‘ ing to *Spain* on the coast of *Tuscany*, may like-
‘ wise be yielded to the Emperor by the treaty of
‘ peace.

‘ As to the kingdom of *Sicily*, though there re-
‘ mains no dispute concerning the cession of it by
‘ the Duke of *Anjou*, yet the disposition thereof is
‘ not yet determined.

‘ The interests of the *States-General*, with respect
‘ to commerce, are agreed to, as they have been
‘ demanded by their own Ministers, with the excep-
‘ tion only of some very few species of merchandize,
‘ and the entire barrier, as demanded by the *States*
‘ in 1709, from *France*, except two or three places
‘ at most.

‘ As to these exceptions, several expedients have
‘ been proposed, and I make no doubt but this
‘ barrier may be so settled, as to render that re-
‘ public perfectly secure against any enterprize on

‘ the part of *France*, which is the foundation of
 ‘ all my engagements upon this head with the
 ‘ *States*.

‘ The demands of *Portugal* depending on the
 ‘ disposition of *Spain*, and that article having been
 ‘ long in dispute, it has not been yet possible to
 ‘ make any considerable progress therein; but my
 ‘ Plenipotentiaries will now have an opportunity
 ‘ to assist that King in his pretensions.

‘ Those of the King of *Prussia* are such, as I
 ‘ hope, will admit of little difficulty on the part of
 ‘ *France*, and my endeavours shall not be wanting
 ‘ to procure all I am able to so good an ally.

‘ The difference between the barrier demanded
 ‘ for the Duke of *Savoy* in 1709, and the offers
 ‘ made now by *France*, is very inconsiderable: But
 ‘ that Prince having so signally distinguished him-
 ‘ self in the service of the common cause, I am en-
 ‘ deavouring to procure for him still further ad-
 ‘ vantages.

‘ *France* has consented that the Elector *Palatine*
 ‘ shall continue his present rank among the Elec-
 ‘ tors, and remain in possession of the upper *Pa-*
 ‘ *latinate*.

‘ The electoral dignity is likewise acknowledged
 ‘ in the house of *Hanover*, according to the articles
 ‘ inserted, at that Prince’s desire, in my demands.

‘ And as to the rest of the allies, I make no
 ‘ doubt of being able to secure their several interests.

My Lords and Gentlemen,

‘ I have now communicated to you not only the
 ‘ terms of peace, which may, by the future treaty,
 ‘ be obtained for my own subjects, but likewise the
 ‘ proposals of *France* for satisfying our allies.

‘ The former are such as I have reason to expect,
 ‘ to make my people some amends for that great
 ‘ and unequal burthen which they have lain under
 ‘ through the whole course of this war, and I am
 ‘ willing

‘ willing to hope, that none of our confederates,
 ‘ and especially those to whom so great accessions
 ‘ of dominion and power are to accrue by this
 ‘ peace, will envy *Britain* her share in the glory
 ‘ and advantage of it.

‘ The latter are not yet so perfectly adjusted, as
 ‘ a little more time might have rendered them ; but
 ‘ the season of the year making it necessary to put
 ‘ an end to this session, I resolved no longer to defer
 ‘ communicating these matters to you.

‘ I can make no doubt but you are all fully per-
 ‘ suaded, that nothing will be neglected on my
 ‘ part, in the progress of this negotiation, to bring
 ‘ the peace to an happy and speedy issue, and I
 ‘ depend on your entire confidence in me, and
 ‘ your chearful concurrence with me.’

Though in the *house of Commons*, one or two
 members opened their mouths, to propose the tak-
 ing the important matters, mentioned in her Ma-
 jesty’s speech, into consideration, they were present-
 ly stopped by a general cry for an address of *thanks* :
 Whereupon it was resolved, *nemine contradicente*,
 ‘ That an humble address be made to her Ma-
 ‘ jesty, acknowledging her great condescension in
 ‘ communicating the terms upon which a general
 ‘ peace might be made : Expressing the satisfaction
 ‘ of this house in what her Majesty had already
 ‘ done, and their *entire confidence* in her Majesty’s
 ‘ steady pursuing the *true interests* of her kingdoms,
 ‘ and in her Majesty’s endeavours to procure for all
 ‘ her allies what is due to them by treaties, and ne-
 ‘ cessary for their security ; and humbly to desire
 ‘ her Majesty, that she would be pleased to proceed
 ‘ with the present negotiation, for the obtaining a
 ‘ speedy peace.’ Hereupon a Committee was ap-
 pointed to draw up the said address ; and being,
 according to order, immediately withdrawn into
 the *Speaker’s* chamber for that purpose, Mr. *Free-*

man, their Chairman, did soon after report the address, which, with some amendments, was agreed to as follows.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the Commons of *Great-Britain* in Parliament assembled, beg leave most humbly to acknowledge your Majesty's great condescension in communicating to us the terms upon which a general peace may be made.

Our hearts are full of gratitude for what your Majesty has already done, and we want words to express the satisfaction, with which we have received all that your Majesty has been pleased to impart to your Commons.

We have an entire confidence in your Majesty, that you will steadily pursue the true interest of your own kingdoms, and that you will endeavour to procure for all your allies what is due to them by treaties, and what is necessary for their security.

These assurances are the least returns which your faithful Commons can make to so much condescension and goodness; and they humbly desire your Majesty, that you will please to proceed in the present negotiations, for the obtaining a speedy peace.

This address being on *Monday* the 9th of *June*, presented to her Majesty, at the palace at *St. James's*, by the whole house, she was pleased to return the following answer.

I Have the safety and interest of all my people so much at heart, that I cannot but take a great deal of pleasure in this your dutiful and prudent address; and thank you most kindly for it.

I have

I have studied your welfare, and by this you will find the good effects of that confidence which you place in me, and which ought always to remain between so affectionate a prince, and such faithful subjects.

Which being the next day reported to the house by their Speaker, it was resolved, that the thanks of this house be returned to her Majesty, for her most gracious answer to the address of this house.

Things went not quite so smoothly on in the house of Peers : For after the Queen was gone from thence, it being moved, that thanks be returned to her Majesty for the same ; the Earl of *Wharton* said, ‘ They had all the reason in the world to do it : especially for that part of her Majesty’s speech wherein she was pleased to declare, *that the assuring the protestant succession in the house of Hanover to these kingdoms, was what she had nearest at heart :* But that her Majesty’s speech containing many other particulars of the greatest consequence and importance, he was of opinion the house would do well to take her Majesty’s speech into consideration the next day :’ Which was readily agreed to. The Lords being met accordingly, on *Saturday* the 7th of *June*, the Earl of *Wharton* proposed that the letter from the *States-General* to her Majesty, inserted in the *Amsterdam French* gazette, which arrived the very next morning, with a mail from *Holland*, might be read : But this was opposed ; it being suggested, that the house ought not to take notice of a writing that carried no authority with it. After this, the Lords took her Majesty’s speech into consideration, which occasioned a warm debate. Among the rest the Duke of *Marlborough* represented, ‘ That the measures entered into, and pursued in *England* for this year past, were contrary to her Majesty’s engagements with the allies ; did fully the triumphs and glories of her reign, and
‘ would

Debates in
the house of
Lords.

' would render the *English* name odious to all o-
 ' ther nations.' Whereupon the Earl of *Strafford*
 said, ' That some of the allies would not shew such
 ' backwardness to a peace as they had hitherto
 ' done, but for some members of that illustrious
 ' assembly, who maintained a secret correspondence
 ' with them, and endeavoured to persuade them to
 ' carry on the war, feeding them with hopes that
 ' they should be supported by a strong party here.'
 The Lord *Cowper* answered this speech; and be-
 cause the Earl of *Strafford* had not expressed him-
 self in all the purity of the *English* tongue, he took
 from thence occasion to say, ' That this noble Lord
 ' had been so long abroad, that he had almost for-
 ' got, not only the language, but the constitution
 ' of his own country. That according to our laws,
 ' it could never be suggested as a crime, in the
 ' meanest subject, much less in any member of that
 ' august assembly, to hold correspondence with our
 ' allies: Such *allies* especially, whose *interest* her
 ' Majesty had declared to be *inseparable from her*
 ' *own*, in her speech at the opening this *session*:
 ' Whereas it would be a hard matter to justify, and
 ' reconcile, either with our laws, or the laws of ho-
 ' nour and justice, the conduct of some persons, in
 ' treating clandestinely with the common enemy
 ' without the participation of the allies.' The
 Lords took afterwards into consideration the advan-
 tages offered by *France* to *Great-Britain*, particular-
 ly in *settling the trade to Spain and to the West-*
Indies, as it was in the time of the late King of
Spain, Charles II. On which occasion the Earl of
Godolphin said, ' He did not pretend to any great
 ' knowledge in trade; but that during the time he
 ' had the honour to be in the administration of
 ' affairs, he had observed, and he might easily make
 ' it out by the books of the *Custom-house*, that the
 ' single trade to *Portugal* brought to *England* in
 ' times of war, double the wealth of the trade to
 ' *Spain*

‘ *Spain* in times of peace : So that whatever might
 ‘ be suggested to cast a mist before the eyes of the
 ‘ people, it was to be presumed, that the trade to
 ‘ *Spain* would still yield less for the future, because
 ‘ the *French* had made themselves absolute masters
 ‘ of it.’ After many other speeches, a motion was
 made, that an humble address be presented to her
 Majesty, to return her Majesty the thanks of this
 house, for her most gracious speech, and for her
 extraordinary condescension in communicating to
 her Parliament the terms upon which a general
 peace might be made, and to express the *entire*
satisfaction of this house, in her Majesty’s great care
 for securing the *protestant succession* in the house of
Hanover ; and for her Majesty’s steadily pursuing
 the true interest of her own kingdoms ; and for en-
 deavouring to procure to her allies what is due to
 them by treaties ; and to assure her Majesty, that
 this house did *entirely rely* on her Majesty’s wisdom,
 to finish this great and good work. Some excep-
 tions were made at the words *entirely rely* ; and the
 house was moved, that at the close of the foregoing
 motion for an address, these words might be added,
viz. And in order to that, to pray her Majesty to take
such measures in concert with her allies, as might induce
them to join with her Majesty in a mutual guaranty :
 But after a debate, in which the Earl of *Nottingham*
 and the Lord *Cowper* made very eloquent speeches,
 the question being put, whether these words should
 be added, it was resolved in the negative, by 81
 voices against 36. The reasons of this great ma-
 jority were then said to be, *First*, because the
proxies, of which the *Whig* Lords had more than the
 other side, were not called for ; and *Secondly*, be-
 cause several Peers did not think fit, on that occa-
 sion, to vote against the court. However that be,
 on *Tuesday* the 10th of *June*, the Lords presented
 their address to the Queen, which, besides the or-
 dinary head, contained nothing but the motion be-
 fore

Motion for
 an address of
 thanks.

fore mentioned; and to which her Majesty was pleased to return this answer.

The Queen's
answer to
the Lords
address.

I Most heartily thank you for this address: The satisfaction you express in what I have laid before you, will contribute very much to remove the difficulties which have arisen in the course of this negotiation. And the confidence you place in me, will enable me better to finish this great work, for the advantage of my own people, and the safety and interest of my allies.

Several
Lords pro-
test against
rejecting
the guaran-
ty clause.

It is observable that several Lords entered a protest against the rejecting of the guaranty clause, offered to be added at the close of the motion for an address, and were said to have signed their reasons for it, which were soon after published in print as follows:

WE think it necessary to have the security proposed of a general guaranty, and the rather, because we conceive the terms of peace that are offered, have proceeded from a separate negotiation, carried on by the Ministers with *France*, without any communication thereof to the principal allies; particularly the *States-General*, as they say in the letter to her Majesty, (whose interest her Majesty was pleased to declare to this Parliament, she looked upon as inseparable from her own) and we conceive this negotiation to be contrary to those orders which her Majesty declared to this house, in answer to their address, that she had given to her plenipotentiaries at *Utrecht*, to concert with those of her allies; and the resolution expressed in her message, *Jan. 17.* of a strict union, in which she proposed to join with them, in order to obtain a good peace, and to guaranty and support the same, as she had before declared in her speech at the opening of this session;

session: that *she* would unite with them in the strictest engagements for continuing the alliance, in order to render the general peace secure and lasting; and contrary to the 8th article of the grand alliance, which expressly obliges all the allies not to treat, unless jointly, and with the common advice of the other parties.

And we conceive that the refusal of these words proposed to be added, may be looked upon by the allies, as if this house approved this method of transacting with *France*, which may seem to them to tend to a separate peace, of which her Majesty has declared her dislike, and which was acknowledged in this house to be foolish and knavish, and would be of pernicious consequence to this kingdom, by preventing that guaranty of peace by the allies, which is so absolutely necessary for their mutual security, and leave us exposed to the power of *France*, there being little reason to expect their future help after such a gross breach of trust.

And we further conceive, that such a separate proceeding may create in the allies so great a distrust, as may tempt them to take the like measures, and so give the *French* opportunity to break that union, which has been hitherto so useful to us, and formidable to them; any appearance whereof must encourage *France*, either to delay the conclusion of a peace, or to impose upon the allies in the further progress of the treaty.

A perfect union among the allies seems to us to be more necessary in the present case, because the foundation upon which all the offers of *France* relating to *Great-Britain*, as well as to the allies, are built, viz. *A renunciation of the Duke of Anjou to that kingdom*, is, in our opinion, so fallacious, that no reasonable man, much less whole nations, can ever look upon it as any security. Experience may sufficiently convince us, how little we ought

ought to rely upon the renunciation of the house of *Bourbon*, and though the present Duke of *Anjou* should happen to think himself bound by his own act, which his grandfather did not, yet will his descendants be at liberty to say, *that no act of his could deprive them of their birth-right*; and especially when it is such a right, as, in the opinion of all *Frenchmen*, ought inviolably to be maintained, by the fundamental constitution of the kingdom of *France*.

And we humbly think it unsafe to depend upon this principal part of the treaty's executing it self, by supposing it will be the interest of *France* to support it; since, on the contrary, it is manifest by the *French* endeavours ever since the *Pyrenean* treaty, to unite the monarchies of *France* and *Spain*, they look upon that union to be their greatest interest, and the most effectual means of establishing the universal monarchy in the house of *Bourbon*.

And if it were reasonable to imagine, that the two crowns of *France* and *Spain* should remain in distinct branches of the house of *Bourbon*; yet this is contrary to the grand alliance itself, which recites the usurpation of the *Spanish* monarchy by the *French* King, for the Duke of *Anjou*, as the principal cause of this war.

As to *Port Mabon*, *Gibraltar*, the *Affiento*, and the other advantages to *Britain* proposed by *France*, (besides that they are all precarious, and in the power of *France* and *Spain* to take from us when they please) considering the situation of those kingdoms, and the vast wealth and strength which will be left to them, we conceive it impossible for any man to look on those as a compensation to *Britain* in any degree, for the leaving *Spain* and the *Indies* in the possession of the house of *Bourbon*; which besides other manifestly fatal consequences, must be

be extreamly prejudicial to our woollen manufacture, if it does not entirely ruin it.

As to the demolition of *Dunkirk*, though we own it will be a great safety to our home trade, yet we have reason to apprehend, by what was said in the debate, that it is not yet agreed to be demolished, without an equivalent for it to the *French* King's satisfaction.

And in all the particulars relating to the allies, though they are not perfectly adjusted, yet by what does appear concerning them, the allies are likely to be left in such a state of insecurity, as is absolutely inconsistent with our own safety.

The *Rhine* is proposed for a barrier of the empire, which leaves *Strasburgh* and *Hunningben* in the hands of the *French*; the former of which has always been looked upon as the key of the empire.

The proposals of *France* relating to the barrier for the *States-General*, not only deprive them of all the places taken since the year 1709, but also of two or three places more included in the demand made by the *States* in that year, which will render their barrier wholly insufficient, and consequently very much weaken the security of *Britain*.

Portugal seems to be wholly abandoned to the power of *Spain*, notwithstanding the great advantages we have received during this war, by our trade with that kingdom, which might still be extreamly beneficial to us.

Upon the whole, there is so very little and inconsiderable a difference between these offers of *France*, and those made at *Utrecht*, Feb. 11. N. S. and signed *Huxelles*, (as appears to us upon our comparing them together) that both seem to be the effect of a secret and particular negotiation with *France*; and this house having unanimously concurred, in expressing to her Majesty their utmost

most resentment at those terms offered to her Majesty and her allies, by the Plenipotentiaries of *France*; and her Majesty having graciously accepted that our address, and rewarded that duty and zeal with her hearty thanks, we cannot in respect to her Majesty, or justice to our country, retract that opinion, nor think the terms now good for us or the allies, or give any seeming approbation of them, which then were received by this house, and all the allies, with scorn and detestation.

For these reasons, we are of opinion, that the offers of *France* are fallacious and ensnaring, no ways proportioned to the advantages which her Majesty (from the great successes which it has pleased God to bless her and her allies, during the whole course of this war) might justly expect for her own kingdoms, and for them, very unsufficient for preserving a balance of power in *Europe*, for the future security of her Majesty and her allies, though they should be never so exactly performed; and yet, even such as they are, there is no effectual security offered for the performance of them, which makes it absolutely necessary, as we conceive, that such measures should be taken in concert with the allies, as may induce them to join with her Majesty in a mutual guaranty.

<i>Somerset.</i>	<i>W. Asaph.</i>	<i>Carlisle.</i>
<i>Godolphin.</i>	<i>Bolton.</i>	<i>Bridgewater.</i>
<i>Devonshire.</i>	<i>Wharton.</i>	<i>Mobun.</i>
<i>Berkeley.</i>	<i>Marlborough.</i>	<i>Townshend.</i>
<i>W. Oxon.</i>	<i>Dorchester.</i>	<i>Cowper.</i>
<i>J. Ely.</i>	<i>J. Bangor.</i>	<i>Mountague.</i>
<i>Haversham.</i>	<i>Rutland.</i>	<i>Lincoln.</i>
<i>Suffolk.</i>	<i>Nottingham.</i>	<i>Bedford.</i>

The

The majority of Peers were so offended at this protest, that on *Friday* the 13th of *June*, the question being put, *Whether the said protest be expunged out of the books of the house*; it was carried in the affirmative, by a majority of 66 voices against 31 present, and of 90 against 54, proxies included. The next day, upon a complaint made in the house of Lords, that both the said protest, and the former concerning the orders produced by the Duke of *Ormond*, were published in print, a Committee was appointed to enquire who were the printers and publishers of the same; but this Committee not being able to make any discovery in that matter, the Lords applied themselves, by address, to the Queen for that purpose. Hereupon on the 24th of *June*, the Queen in council at *Kensington*, the following order was made.

The said protest ordered to be expunged out of the books *June 13.*

AN address from the Lords spiritual and temporal in Parliament assembled, having been presented to her Majesty, that she would be graciously pleased to direct such methods to be taken, as her Majesty should think most proper, in order to discover the printers and publishers of the reasons for the protestation entered in the journal of that house, the 28th of *May* last; and of one other malicious and scandalous paper, entituled, *The protests of the Lords upon addressing her Majesty for her speech; with the names of the Lords.* Price 2 d. And of any person or persons directing the printing thereof; which having been this day read at the board, her Majesty in council taking the same into consideration, was thereupon graciously pleased to order, as it is hereby ordered, that whosoever shall discover to one of her Majesty's Principal Secretaries of State the printer or printers of the said pamphlets, or either of them, within three months from the date hereof, so as he or they shall be brought to justice, shall have and receive the re-

Order of the Council for the discovering the printer and publisher of the foregoing protest.

ward of 50 *l.* and likewise, whoever shall within the said three months discover the person or persons that directed the printing thereof, or of either of them, so as he or they shall be brought to justice, shall have and receive the reward of 100 *l.* and the right honourable the Lord High Treasurer is to cause the aforesaid sums to be paid, upon the conviction of the said persons accordingly.

EDWARD SOUTHWELL,

Nor were the Commons less offended than the Lords, at several papers published about this time. For on *Tuesday* the 10th of *June*, after the *bill for restraining the great license taken in publishing false and scandalous libels* was read the first time, and ordered to be read a second time, a complaint being made to the house, of the *preface* to a book entituled,

FOUR SERMONS.

- I. *On the death of Queen Mary, 1694.*
- II. *On the death of the Duke of Gloucester, 1700.*
- III. *On the death of King William, 1701.*
- IV. *On the Queen's accession to the throne in 1702.*

By *WILLIAM* Lord Bishop of *St Asaph*.

The book was brought up, and the *preface* was read as follows:

The preface to the Bishop of St Asaph's four sermons read in the house of Commons.

THE publishing a few sermons whilst I live, the latest of which was preached about eight years since, and the first above seventeen, will make it very natural for people to enquire into the occasions of doing so, and to such I do very willingly assign these following reasons.

First, From the observations I have been able to make, for these many years last past, upon our publick affairs; and from the natural tendency of several principles and practices, that have, of late, been studiously revived; and from what has followed thereupon, I could not help both fearing and presaging, that these nations would, some time or other, (if ever we should have an enterprising Prince upon the throne, of more ambition than virtue, justice, and true honour,) fall into the way of all other nations, and lose their liberty.

Nor could I help foreseeing, to whose charge a great deal of this dreadful mischief, whenever it should happen, would be laid: Whether justly or unjustly, was not my business to determine: But I resolved, for my own particular part, to deliver my self as well as I could, from the reproaches and curses of posterity, by publickly declaring to all the world, that although in the constant course of my ministry, I have never failed, on proper occasions, to recommend, urge, and insist upon the loving, honouring, and the reverencing the prince's person, and holding it according to the laws, inviolable and sacred, and paying all obedience and submission to the laws, though never so hard and inconvenient to private people: Yet did I never think myself at liberty, or authorized, to tell the people, that either *Christ*, *St Peter*, or *St Paul*, or any other holy writer, had, by any doctrine, delivered by them, subverted the laws and constitutions of the country in which they lived; or put them in a worse condition with respect to their civil liberties, than they would have been, had they not been *Christians*. I ever thought it a most impious blasphemy against that holy religion, to father any thing upon it, that might encourage tyranny, oppression, or injustice, in a Prince, or that easily tended to make a free, and happy

F 2

people,

people, *slaves* and *miserable*. No: People may make themselves as wretched as they will; but let not God be called into that wicked party. When force and violence, and hard necessity, have brought the yoke of servitude upon a people's neck, religion will supply them with a patient and submissive spirit under it, till they can innocently shake it off: But certainly religion never puts it on. This always was, and this at present is, my judgment of these matters; and I would be transmitted to posterity (for the little share of time such names as mine can live) under the character of one who loved his country, and would be thought a good *Englishman* as well as a good *Clergyman*.

This character I thought would be transmitted, by the following sermons, which were made for, and preached in a private audience, when I could think of nothing else but doing my duty on the occasions that were then offered by God's providence, without any manner of design of making them publick: And for that reason I give them now, as they were then delivered; by which I hope to satisfy those people who have objected a change of principles to me, as if I were not now the same man I formerly was. I never had but one opinion of these matters, and that I think is so reasonable and well-grounded, that I believe I never can have any other.

Another reason for my publishing these sermons at this time, is, that I have a mind to do my self some honour, by doing what honour I could to the memory of two most excellent Princes, and who have very highly deserved at the hands of all the people of these dominions, who have any true value for the *protestant religion*, and the *constitution* of the *English government*, of which they were the great *deliverers* and *defenders*. I have lived to see their illustrious names very rudely handled, and the great benefits they did this nation,

tion, treated slightly and contemptuously. I have lived to see our deliverance from *arbitrary power* and *popery*, traduced and vilified by some, who formerly thought it was their greatest merit, and made it part of their boast and glory, to have had a little hand and share in bringing it about : And others, who, without it, must have lived in exile, poverty and misery, meanly disclaiming it, and using ill the *glorious instrument* thereof. Who could expect such a requital of such merit ? I have, I own it, an ambition of exempting myself from the number of *unthankful* people ; and as I loved and honoured those great princes living, and lamented over them when dead, so I would gladly raise them up a monument of praise, as lasting as any thing of mine can be ; and I chuse to do it at this time, when it is so unfashionable a thing to speak honourably of them.

The sermon that was preached on the Duke of Gloucester's death, was printed quickly after, and is now, because the subject was so suitable, joined to the others. The loss of that most promising and hopeful Prince was, at that time, I saw, unspeakably great ; and many accidents since have convinced us, that it could not have been over-valued. That precious life, had it pleased God to have prolonged it to the usual space, had saved us many fears and jealousies, and dark distrusts, and prevented many alarms that have long kept us, and will keep us still waking and uneasy. Nothing remained to comfort and support us under this heavy stroke, but the necessity it brought the King and nation under, of settling the *succession* in the house of *Hanover*, and giving it an *hereditary right by act of Parliament*, as long as it continues *protestant*. So much good did God, in his merciful providence, produce from a misfortune, which we could never otherwise have sufficiently deplored.

The fourth sermon was preached upon the Queen's *accession* to the throne, and in the first year in which that day was solemnly observed, (for by some accident or other it had been overlooked the year before) and every one will know, without the date of it, that it was preached very early in this reign, since I was able only to *promise* and *presage* its future glories and successes, from the good appearances of things, and the happy turn our affairs began to take, and could not then count up the victories, and triumphs, that, for seven years after, made it, in the prophet's language, *a name and praise among all the people of the earth*. Never did seven such years together pass over the head of any *English* monarch, nor cover it with so much honour: The crown and scepter seemed to be the Queen's least ornaments. Those, other Princes wore in common with her: And her great personal virtues were the same before and since. But such was the fame of her administration of affairs at home; such was the reputation of her wisdom and felicity in choosing ministers; and such was then esteemed their faithfulness and zeal, their diligence and great abilities in executing her commands: To such a height of military glory did her great *General* and her armies carry the *British* name abroad: Such was the harmony and concord betwixt her and her *allies*: And such was the blessing of God upon all her councils and undertakings, that I am as sure as history can make me, no Prince of ours was ever yet so prosperous and successful, so loved, esteemed, and honoured by their subjects and their friends; nor near so formidable to their enemies. We were, as all the world imagined then, just entering on the ways, that promised to lead to such a peace, as would have answered all the prayers of our religious Queen, the care and vigilance of a most able ministry, the payments of a willing and

and obedient people, as well as all the glorious toils and hazards of the soldiery; when God, for our sins, permitted the *spirit of discord* to go forth, and by troubling sore the camp, the city, and the country; (and oh! that it had altogether spared the places sacred to his worship!) to spoil, for a time, this beautiful and pleasing prospect; and give us, in its stead I know not what—our enemies will tell the rest with pleasure. It will become me better to pray to God to restore us to the power of obtaining such a peace as will be to his glory, the safety, honour, and the welfare of the Queen and her dominions, and the general satisfaction of all her high and mighty allies.

After the reading of this preface, the Commons resolved:

1. *That the said preface is malicious and factious, highly reflecting upon the present administration of publick affairs, under her Majesty, and tending to create discord and sedition amongst her subjects.* Censure past upon it.

2. *That the said preface be burnt by the hands of the common hangman, upon Thursday next, at twelve of the clock, in the Palace-Yard, Westminster; and that the Sheriffs of London and Middlesex do assist the Serjeant at arms attending this house in the execution thereof.*

The same day a complaint being made to the house of a printed Paper intituled, *A letter from the States-General to the Queen of Great-Britain*; the same was brought up and read as follows.

Madam,

AFTER all the proofs which your Majesty has given during the course of your glorious reign, of your great zeal for the publick good, and

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A letter from the States-General to the Queen, dated Hague, June 5. of 1712. N. S.

of your adherence to the common cause of the high allies; after so many marks you have had the goodness to give us, of your tender affection, and of your friendship to our republick; and after the repeated assurances you have given us, and that very lately too, of your intentions, *that your troops should act against the common enemy*, until the war was concluded by a general peace: It is impossible we should not be surprized and afflicted by two declarations we have lately received, one after another, in the name of your Majesty; the first by the Duke of Ormond, your General, *That he could undertake nothing without new orders from you*; the other by the Bishop of Bristol, your Plenipotentiary to the congress at Utrecht, *That, your Majesty perceiving, that we did not answer as we ought the proposals which you had made us, and that we would not act in concert with your Ministers, on the subject of peace, you would take your measures apart: And that you did not look upon yourself to be now under any obligation whatever, with respect to us.*

As soon as we had notice of those declarations, we sent orders to our Minister, who has the honour to reside at your Majesty's court, to represent to you the reasons of our surprize, and the consequences of those declarations, and to request you with that respect which we always had, and which we shall for ever entertain for your royal person, that you would give other orders to the Duke of Ormond, that he may act with all possible vigour, according to the exigency of the war, and that your Majesty would have the goodness to entertain other sentiments of us, than those which the Bishop of Bristol has declared to our Plenipotentiaries at Utrecht.

But the more we consider those declarations, the more important we find them, and the more we apprehend their consequences: Therefore we could

could not forbear applying ourselves by this letter directly to your Majesty, hoping, that you will consider it, as we promise ourselves you will, both from your prudence and wisdom, and from your so much famed zeal for the public welfare; particularly from your usual friendship and affection for us and our republic.

We protest before all things, that as we ever had a true friendship, as well as the highest respect for your Majesty, and a sincere affection to all your interests, with an earnest desire to live in a perfect good understanding and union with you, we have still the same sentiments, and shall always preserve them, wishing for nothing more, than to be able to give your Majesty the most convincing proofs of it.

After this we pray your Majesty to consider, according to your great penetration, whether we have not just ground to be surprized, when we see a stop put, by an order in your Majesty's name, *without our knowledge*, to the operations of the confederate army, the finest and strongest, which, perhaps, has been in the field during the whole course of the war, and provided with all necessities to act with vigour, and this, *after they had marched according to the resolution taken in concert with your Majesty's General, almost up to the enemy*, with a great superiority both as to the number and goodness of troops, and animated with a noble courage and zeal to acquit themselves bravely; so that in all human appearance, and with the divine assistance, which we have experienced so visibly on so many other occasions, we should have been able either by battles or sieges, to gain great advantages over the enemy, to have bettered the affairs of the allies, and to facilitate the negotiations of peace.

We

We flatter ourselves indeed with the hopes which the Duke of *Ormond* has given us, that in a few days he expects other orders; but in the mean time, we are sorry to see *one of the finest opportunities lost*, being uncertain, whether we shall have another so favourable, since the enemy have time given them to fortify themselves, and take their precautions, while the army of the allies lie still without action; and consuming the forage all round, deprive themselves of the means of subsisting for time to come in those places, where, by concert, the operations of the campaign were designed; which may make such enterprizes impossible hereafter, as were practicable now, and consequently render *the whole campaign unsuccessful*, to the inestimable prejudice of the common cause of the high allies.

Certainly, when we consider the army, as it really is, composed of the troops of your Majesty and other allies, joined together by common concert, to act for the greatest advantage and furtherance of the common cause, and the assurances which your Majesty had given us by your letters, by your Ministers, and last of all by your General the Duke of *Ormond*, of *your intentions that your troops should be ordered to act with their usual vigour*, as well as the engagements into which your Majesty is entered, not only with respect to us, but also separately and jointly with us, in respect to the other allies; it is very difficult for us to conjecture and conceive, how an order so prejudicial to the common cause, given so suddenly, without our knowledge, and undoubtedly too without the knowledge of the other allies, can agree and consist with the nature of an alliance, and with those assurances and engagements just now mentioned. For though according to the declaration of the Bishop of *Bristol*, your Majesty holds

holds yourself to be disengaged from every obligation with regard to us, it is plain that the matter now in question is not our particular interest or advantage, but that of all the allies, who will suffer by the prejudice which an order so little expected must needs bring to the common cause.

But, Madam, we cannot forbear telling your Majesty, that the declaration made by the Bishop of *Bristol*, at *Utrecht*, has no less surprized us, than that of the Duke of *Ormond* in the army. It appears to us so extraordinary, that we know not how to reconcile it with the great goodness and kindness, which your Majesty has always honoured us with; and not being able to conceive how such a sudden *change* could happen, with respect to us, we are not only surprized but afflicted at it. We have carefully examined our conduct, and find nothing in it that can have given ground to that dissatisfaction which your Majesty expresses with us by this declaration.

From the very first day that your Majesty ascended the throne, we testified all the deference that you could desire from a state in friendship and alliance with you. We carefully sought after your amity and affection, and considering the happy effects which a good intelligence, harmony, and union, betwixt your Majesty and us, and the two nations, might produce, and have really produced, and the advantage which resulted from thence to both, as well as to the common cause of all the allies, we made it our business heartily to cultivate them, and more and more to gain your Majesty's confidence, and to conform ourselves to your sentiments as much as possibly we could.

We think, that we gave a signal proof of this, particularly, with regard to the negotiations of peace, since not only after we were informed of the conferences formerly held in *England* upon this subject,

subject, we did expect that your Majesty would give us an account of them; having this firm confidence in your friendship for our republic, and in your zeal for the good of the common cause, that nothing would be done to prejudice us, nor the other allies; but also when your Majesty communicated to us the preliminary articles signed by Mr. *Mesnager* in *England*, and when you proposed to us the calling and holding a congress for a general peace, and required of us to grant for this end necessary passports for the enemy's Ministers, we consented to it, though we had many reasons, which to us seemed very well grounded, not to enter into such a treaty without a better foundation, or, at least without the concurrence of the other allies; but, we preferred your Majesty's sentiments to our own, in order to give you a new proof of our deference.

We did no less, with respect to the difficulties which were started on the subject of the *treaty* of the mutual guaranty, for the *succession of the protestant line* to your Majesty's kingdoms, and for our *barrier*; a *treaty of such importance to the two nations*, that we look upon it *as the strongest tie that could be thought on to unite for ever the hearts and interest of both*; concluded after the maturest deliberation, and ratified on both sides in the most authentic form: For though we might have stood to the treaty as it was, yet we entered into a negotiation upon those difficulties, and particularly on the point of the *Assiento*, concerning which we gave our Plenipotentiaries such instructions, that we no longer doubted but all the difficulties would have been adjusted to mutual content, and that we should thereby have entirely regained your Majesty's confidence; and so much the more, because in the first place, when the *meeting of a congress for a general peace was in hand*, your Majesty declared

clared to us by your Ambassador, *That you desired no more than our concurrence in that single point, and this only mark of our confidence; and that then you would give us strong and real proofs of your affection towards us, and of your upright intentions, with respect to the common cause of all the allies; and that afterwards, when the difficulties about the succession and the barrier were raised, your Majesty did likewise assure us, that if we would remit something upon the most essential points, and particularly, about the affair of the Affiento, it would be the true way to re-establish a mutual confidence; which being once restored, your Majesty would take particularly to heart the interests of this state, and act in conjunction with us in the whole negotiation, to obtain an honourable, good, and sure peace.*

But, we find ourselves very much out in our expectation, since at the very same time, when we made the greatest advances towards your Majesty, and that we did verily believe, we should come to an agreement about the points in difference, *we see the Earl of Strafford gone without finishing that affair; we see the army stopped in the beginning of it's career, and we hear a declaration, by which your Majesty looks upon yourself to be disengaged from all obligations, with us; for which the reasons alledged are, That we have not answered, as we ought, the advances which your Majesty made towards us, and that we would not act in concert with your Ministers about the peace.*

If your Majesty would be pleased to look with a favourable and equitable eye upon our conduct, we flatter ourselves, and have a firm confidence, that you will find nothing in it, which can give you such disadvantageous ideas and thoughts of us, but, that you will rather find, that we have performed, and do still perform, all that we owe, as
good

good and faithful allies ; and particularly to your Majesty.

What we have said already, might perhaps be sufficient to persuade you of it ; but we must add, that having always esteemed your Majesty's affection, and a good harmony betwixt the two nations, as one of the strongest supports of our state, and of the *protestant* religion, and as one of the most effectual methods to maintain and advance our common interest, and those of the whole confederacy ; and this sincere opinion being firmly imprinted on our hearts, we were never backward to communicate and consult in all confidence with your Majesty, and your Ministers, upon the affairs of the peace, according to the foundations laid down in the grand alliance, and other treaties. We declare, that we have always been inclinable and ready to do it, and are so still, as far as we can, without prejudice to the other allies, and without departing from, or acting against, the engagements, treaties, and alliances, which we have entered into.

But, Madam, all the proposals hitherto made to us upon that subject, were couched in very general terms, without communicating to us the result of the negotiations betwixt your Majesty's Ministers and those of *France* ; nor even your Majesty's thoughts about the subject, which we ought to have concerted together. It is true, that in some of the last conferences, your Majesty's Ministers demanded to know, whether ours were furnished with a full power, and authorized to draw up a plan for the peace ; but it had been just, before such a thing was demanded of us, that they should have communicated the result of the negotiations, so long treated of betwixt your Majesty's Ministers, and those of the enemy ; or at least, they should have told us your Majesty's thoughts.

Had

Had that plan related only to your Majesty's interest and ours, we should perhaps have been in the wrong, not to have forthwith come into it, though even in that case the affair would not have been without its difficulties, since the least notice of it which should have come to the enemy, must have been very prejudicial: But, as the plan in question concerned the interest of all the allies, and almost all *Europe*; we had very strong apprehensions, that as the particular negotiations betwixt your Majesty's Ministers and those of *France*, and the readiness with which we consented to the congress at *Utrecht*, and to the giving of passports to the enemy's Ministers, had already occasioned abundance of suspicions, and much uneasiness to his Imperial Majesty and the other allies; we say, we apprehended that his Imperial Majesty and the other allies coming to know (which would have been very difficult to conceal from them) the concert betwixt your Majesty's Ministers and ours for a plan of peace, and that before the Ministers of *France* had given a specific answer to the demands of the allies, their suspicions and uneasiness would have increased, and that way of proceeding might have given them ground to entertain prejudicial thoughts, as if it had been *the intention of your Majesty and us, to abandon the grand alliance and the common cause*, or at least, that we alone took upon us to determine the *fate of all the other allies*, by which his Imperial Majesty and the other confederates might have been pushed on to *separate measures*, and to take such steps as would be no ways agreeable to your Majesty's interest.

We thought these reasons strong enough to justify our conduct to your Majesty on his head; and if we did not enter with all the readiness which you might have wished for, into the concert proposed, we hope that at most, your Majesty will look upon our backwardness, only as
an

an excess of prudence or of scruple, and not in the least as a want of confidence in your Majesty; while the allies might have considered it as a *departing* from the treaties, and particularly from the eighth article of the grand alliance. We also hope, that your Majesty, for the reasons here alleged, will lay aside those hard thoughts of us, as if we had not answered as we ought, the advances which your Majesty made towards us, and that we would not act in concert with your Ministers, upon the subject of the peace: But, Madam, though your Majesty should not acquiesce in our reasons (of which however we cannot doubt) we pray your Majesty to consider, whether that be sufficient for your Majesty to think, that you are *disengaged* from all obligations with respect to us.

Had we acted against, and contravened the engagements and treaties which we had the honour to conclude with your Majesty, we might have expected from your goodness and justice, that you would have represented those contraventions to us, and not have looked upon yourself to be disengaged, till such time as we had refused to give all necessary redress. But, as we did no ways *engage to enter* with your Majesty into a *concert* to draw up a plan of peace, without the participation of the other members of the grand alliance, the backwardness we have shewn upon that head, cannot be looked upon as a *contravention of our engagements*, and therefore cannot serve to *disengage* your Majesty from your's, with respect to us, since we are verily persuaded that we have fully answered all our treaties, and all our alliances, both with your Majesty, and with the high allies in general; and that we have done more in this present war, than could in justice, and equity, have been expected from us. All the
difference

difference betwixt your Majesty and us in this point, is no more, if rightly considered, than a disparity of *sentiments*.

In truth, Madam, if for *such a cause* betwixt Potentates, allied and united together by the strongest and strictest ties of alliance, interest, and religion, any one of those Potentates could *quit* all their engagements, and disengage themselves from all their obligations, there is no tie so strong, which may not be broke at any time, and we know of no engagements that *could be relied on* in time to come.

We assure our selves, that when your Majesty considers the consequences, you will not *persist* in the declaration which the Bishop of *Bristol* has made: We beseech you with all the respect and all the earnestness of which we are capable, that you would not; and also that you would be pleased to revoke the order given to the Duke of *Ormond*, if it be not revoked already, and that you would authorize him to act according to occurrences, and as the exigency of the war, and the advancement of the common cause shall require.

We also request you, Madam, to communicate to us the result of the conferences betwixt your Ministers and those of the enemy, or at least your thoughts upon the peace, and we will endeavour to give your Majesty all imaginable proofs of our deference for your sentiments, and of our sincere desire to preserve your valuable friendship as much as we can, without *acting contrary to the faith* of the engagement into which we have entered by treaties and alliances with your Majesty and other Potentates.

We are firmly persuaded, that it is not your Majesty's intention in any manner to break them, since you have always been of the same opinion with us, and the other allies, that *a good Union* betwixt the allies, not only during the *present war*,

‘ but also after the *peace* shall be concluded, is, and
 ‘ always will be, the most solid, and even the only
 ‘ method to *preserve the liberty and independency* of
 ‘ all together, and of every one in particular, against
 ‘ the *great power of France*.

‘ We again renew to your Majesty the assurances
 ‘ of our high and perfect esteem for your person
 ‘ and friendship, as also of our intentions and sincere
 ‘ desires to entertain with your Majesty the same
 ‘ good correspondence, harmony, and union, as
 ‘ before, and to cultivate the same betwixt the two
 ‘ nations, as far as it shall lie in our power: And
 ‘ we pray your Majesty, to preserve likewise for us
 ‘ and our republic, your former affection. We re-
 ‘ fer for the rest, to what the *Sieur Van Borfelle*, our
 ‘ Envoy Extraordinary, has further to say to your
 ‘ Majesty on this subject. And pray the Al-
 ‘ mighty, &c.’

Hague, June the 5th, 1712. N. S.

Resolutions
 of the Com-
 mons against
 the letter
 from the
*States-Gen-
 eral*.

After the reading of this letter, the Commons re-
 solved, That an humble address be presented to her
 Majesty, assuring her Majesty of the just sense this
 house has of the *indignity* offered to her Majesty, by
 printing and publishing a letter from the *States-
 General* to her Majesty; and humbly to desire her
 Majesty, that she will so far resent such indignities,
 as to give no answer for the future to any letters or
 memorials that shall be so printed and published;
 and ordered that the said address be presented by
 such members as are of her Majesty’s most honour-
 able Privy-Council.

But the day before the Commons came to these
 resolutions, the Queen had thought fit to answer the
 letter from the *States-General* in the following
 manner.

High

High and mighty Lords, Friends, Allies, and Confederates,

‘ T H E R E is nothing dearer to us than the preservation of a good understanding and a perfect union with your State. This has been the principal object of our care; and we have so little ground to accuse our selves of having in the least contributed to the lessening of the same, that we reflect with pleasure on the pains we have taken, and on all the instances we have made, that the disputes which have happened, with relation to the interests of the two nations, should be amicably determined, so as we might communicate our thoughts to one another, without reserve, upon those of the public; for in the present conjuncture of affairs, there ought to be an equal frankness on both sides, and a mutual confidence.

‘ We suppose the alarms which you took on account of the declarations made by the Duke of *Ormond* and the Bishop of *Bristol*, are now over; and we repeat to you what we have so often declared, that it will be your own fault, as it has been in time past, if all our measures about war or peace be not taken in concert with your State.

‘ The Earl of *Strafford* will be with you in a few days, with full instructions concerning our intentions. Our Ministers will be disposed and authorized to do all that is incumbent on us, to renew an entire confidence with you, and to prevent for the future, such misunderstandings as have been fomented with so much artifice and so little foundation.

‘ But we cannot pass over in silence our great surprise to see that your letter of the 5th instant, N. S. was printed and published almost as soon as we received it from the hands of your Minister; a proceeding which is equally contrary to good politics and decency. It is a remonstrance

‘ instead of a representation, and an appeal to the
 ‘ people, instead of an address to the sovereign.
 ‘ We hope that you will not suffer the like to be
 ‘ done again, for our honour will engage us to give
 ‘ no answer to any letters or memorials which shall
 ‘ be published in that manner. For the rest, we
 ‘ pray, &c.

Your good friend,

Kensington, } 9th.
 June the } 20th. 1712.

ANNA Regina.

* June 17th.
 A remarkable motion
 made by Mr.
 Hampden for
 the allies to
 be guarantee:
 of the pro-
 testant suc-
 cession,
 rejected.

Four days * after, Mr. *Hampden* made a motion,
 That an humble address be made to her Majesty,
 humbly acquainting her, that this house has a grate-
 ful sense of her Majesty's care for her people, in the
 assurances she lately made from the throne, that the
protestant succession in the house of *Hanover*, is nearest
 at her heart; and being convinced that the safety
 of the *protestant succession* must in a great measure
 depend on the event of the present treaty for a ge-
 neral peace, do most humbly beseech her Majesty,
 that she will be pleased to give particular instruc-
 tions to her Plenipotentiaries, that in the conclusion
 of the said treaty, the several powers in alliance
 with her Majesty, may be guarantees for the *pro-*
testant succession to the crown of these realms, as
 settled by act of Parliament, in the illustrious house
 of *Hanover*. Endeavours were used to have that
 motion dropped, but Mr. *Hampden*, and some
 of his friends, insisting to have the question
 put, the same was done accordingly, and carried
 in the negative, by a majority of 133 voices against
 38. After which it was resolved, ‘ 1. That this
 ‘ house has such an entire confidence in the repeated
 ‘ declarations her Majesty has been pleased to make,
 ‘ of her securing to these kingdoms the *protestant suc-*
cession, as by law established in the house of *Hanover*,
 ‘ that they can never doubt of her Majesty's taking
 ‘ the

Resolution
 about the
protestant
succession.

‘ the proper measures for the security thereof; and
 ‘ that this house will support her Majesty against
 ‘ faction at home, and her enemies abroad; and
 ‘ that this house does humbly beseech her Majesty,
 ‘ that she will be pleased to discountenance all those
 ‘ who shall endeavour to raise jealousies between her
 ‘ Majesty and her subjects, especially, by misrepres-
 ‘ senting her good intentions for the welfare of her
 ‘ people. 2. That the said resolution be laid before
 ‘ her Majesty by the whole house.’

The Commons having attended the Queen with the said resolution, her Majesty was pleased to return the following answer.

Gentlemen,

I Return yon hearty thanks for this resolution, which is very becoming you, who truly represent all my Commons.

The Queen's answer to the same.

You have shewn yourselves honest assertors of the monarchy, zealous defenders of the constitution, and real friends to the protestant succession.

What I have said and done, is sufficient to satisfy any person who is in earnest for the succession, as by law established, in the house of Hanover, that I need not be put in mind of doing any thing which may contribute to render that succession secure.

This answer being the next day reported by Mr. Speaker, it was resolved, that the humble thanks of the house be returned to her Majesty, for her said most gracious answer, by such members of this house as are of her Majesty's most honourable Privy-Council.

Thanks ordered to be returned to the Queen.

The day before, Mr. Secretary St. John reported to the house, that their address of the 31st of May last, relating to the rents of the Bishop-lands in North-Britain, that remain in the Crown, having been presented to the Queen, her Majesty had

Mr. Secretary St. John reports the Queen's answer to three addresses.

commanded him to acquaint this house, that the profits arising from the Bishops estates in *Scotland*, which remain in the Crown, shall be applied to the support of such of the episcopal clergy there, as shall take the oaths to her Majesty, according to the desire of this house.

Mr. Secretary *St. John* also reported to the house, that their address of the 10th instant, having been presented to her Majesty, assuring her Majesty of the just sense this house had of the indignity offered to her Majesty, by printing and publishing, *A letter from the States-General to her Majesty*, and humbly desiring her Majesty, that she would so far resent such indignity, as to give no answer for the future, to any such letters or memorials that should be so printed or published; her Majesty had been pleased to command him to acquaint this house, that her Majesty thanks this house for the particular mark they have given her upon this occasion of their duty to her, and of their concern for her honour.

Mr. Secretary *St. John* likewise reported to the house, that their address of the 2d instant having been presented to her Majesty, that she would be pleased to order an account to be laid before this house, of the negotiations and transactions relating to the preliminaries in 1709; and also an account of the negotiations and transactions at *Gertruydenburg*, and who were employed as her Majesty's Plenipotentiaries, in transacting those negotiations: That her Majesty had been pleased to give order therein; but that by reason of the length thereof, they could not be sooner prepared, and that he was now commanded to lay them before the house. And he presented the same, with a list of the titles to the house accordingly. Whereupon it was ordered, that the said accounts do lie upon the table, to be perused by the members of the house.

That

That day, the Commons adjourned to *Saturday* the 21st of *June*, when the Queen came to the house of Peers with the usual state, and the Commons being sent for up, and attending, her Majesty was pleased to give the royal assent to several public bills.

After which, her Majesty made the following speech to both houses of Parliament.

My Lords and Gentlemen,

‘ THE last time I was here, I spoke so fully, and afterwards received from both houses such satisfactory addresses, that there remains little more for me to say at the close of this meeting of Parliament, but to repeat my hearty thanks for your late solemn assurances. They will give me strength to struggle with any difficulties which may yet be raised, and I hope, that neither they who envy the making a good peace, nor who think it their interest to continue the war, will be able to defeat our joint endeavours for the honour and advantage of *Britain*, and the security of all our allies.

Gentlemen of the house of Commons,

‘ At the same time that I thank you most kindly for the supplies you have cheerfully granted, I cannot but let you know my satisfaction in the near view I have of a peace, since it will, in some measure, recompence my subjects for their vast expences, and also lighten that heavy burthen they have borne during the war.

My Lords and Gentlemen,

‘ You have expressed how sensible you are of the advantage and security which accrue to *Great-Britain*, and our allies, by the terms proposed for a peace. And I need not mention to you the

‘ mischiefs which must follow the breaking off this
 ‘ treaty. Our burthens will be at least continued,
 ‘ if not increased; the present opportunity would
 ‘ be irrecoverably lost, of *Britain’s* establishing a
 ‘ real balance of power in *Europe*, and improving
 ‘ our own commerce; and if any one of our allies
 ‘ should gain something by such a proceeding, the
 ‘ rest would suffer in the common calamity. But I
 ‘ hope, by God’s blessing, such fatal designs will be
 ‘ disappointed.

‘ You are now returning into your respective
 ‘ countries, and I persuade myself, you will not be
 ‘ wanting in your endeavours, to obviate the designs
 ‘ of any ill-minded persons, who may attempt to
 ‘ sow sedition amongst my subjects, and, under
 ‘ specious pretences, carry on designs they dare not
 ‘ own.

‘ I hope at your next meeting, there will be an
 ‘ opportunity of perfecting what I have recom-
 ‘ mended to you, which you have left unfinished in
 ‘ this session.

‘ I cannot conclude without assuring you, that
 ‘ nothing shall move me from steadily pursuing the
 ‘ true interest of so dutiful and affectionate a
 ‘ people.

Both houses
 adjourn to
 the 8th of
July,
 whereby
 Mr. *Walpole*
 and others
 are con-
 tinued in
 custody.

Afterwards, the Lord Keeper of the great seal
 signified her Majesty’s pleasure, that both houses
 should forthwith severally adjourn, until *Tuesday* the
 8th of *July* next, which they did accordingly. The
 reasons of this adjournment (instead of a prorogati-
 on, as was generally expected) were variously dis-
 coursed of: But many were apt to surmise it to be
 intended, as a further mortification on Mr. *Walpole*;
 who rather chose to continue prisoner in the tower,
 than make his submission to the house. Mr. *Man*,
 and Mr. *Buckley*, shewed the same generous reso-
 lution, and were likewise continued in custody of
 the Serjeant at arms.

The

THE peace being signed and ratified, the Queen resolved not to defer any longer the meeting of her Parliament. Accordingly her Majesty went the 9th of *April*, to which they were last prorogued, to the house of Peers, with the usual state and solemnity, and the Commons being sent for up, and attending, her Majesty was pleased to make the following speech to both houses:

The Parliament meets,
April 9th.

My Lords and Gentlemen,

I Ended the last session with my hearty thanks for the solemn assurances you had given me, by which I have been enabled to overcome the difficulties contrived to obstruct the general peace.

The Queen's
speech to
both houses

I have deferred opening the session until now, being very desirous to communicate to you, at your first meeting, the success of this important affair; it is therefore with great pleasure I tell you the treaty is signed, and in a few days the ratifications will be exchanged.

The negotiation has been drawn into so great a length, that all our allies have had sufficient opportunity to adjust their several interests; though the public charge has been thereby much increased, yet I hope my people will be easy under it, since we have happily obtained the end we proposed.

What I have done for securing the *protestant* succession, and the perfect friendship there is between me and the house of *Hanover*, may convince such who wish well to both, and desire the quiet and safety of their country, how vain all attempts are to divide us; and those who would make a merit by separating our interests, will never attain their ill ends.

Gentlemen of the house of Commons.

As great a progress has been made in reducing the public expence, as the circumstances of affairs would admit.

What

‘ What force may be necessary for securing our
 ‘ commerce by sea, and for guards and garrisons,
 ‘ I leave entirely to my Parliament.

‘ Make your selves safe, and I shall be satisfied.

‘ Next to the protection of the divine providence,
 ‘ I depend upon the loyalty and affection of my
 ‘ people. I want no other guaranty.

‘ I recommend to your care those brave men
 ‘ who have served well by sea or land this war, and
 ‘ cannot be employed in time of peace.

‘ I desire you to provide the supplies you shall
 ‘ judge requisite, and to give such dispatch as may
 ‘ be necessary for your own ease and the public
 ‘ service.

My Lords and Gentlemen,

‘ The many advantages I have obtained for my
 ‘ own subjects, have occasioned much opposition,
 ‘ and long delay to this peace.

‘ It affords me great satisfaction, that my people
 ‘ will have it in their power by degrees to repair
 ‘ what they have suffered during so long and bur-
 ‘ thensome a war.

‘ The easing of our foreign trade, as far as is
 ‘ consistent with national credit, will deserve your
 ‘ care.

‘ And to think of proper methods for improv-
 ‘ ing and encouraging our home trade and manu-
 ‘ factures, particularly the fishery, which may be
 ‘ carried on to employ all our spare hands, and be
 ‘ a mighty benefit even to the remotest parts of this
 ‘ kingdom.

‘ Several matters were laid before you last session,
 ‘ which the weight and multiplicity of other busi-
 ‘ ness would not permit you to perfect; I hope
 ‘ you will take a proper opportunity to give them
 ‘ a due consideration.

‘ I can-

‘ I cannot however but expressly mention my
 ‘ displeasure at the unparalleled licentiousness in pub-
 ‘ lishing seditious and scandalous libels.

‘ The impunity such practices have met with,
 ‘ encouraged the blaspheming every thing sacred,
 ‘ and the propagating opinions tending to the over-
 ‘ throw of all religion and government.

‘ Prosecutions have been ordered, but it will re-
 ‘ quire some new law to put a stop to this growing
 ‘ evil, and your best endeavours in your respective
 ‘ stations to discourage it.

‘ The impious practice of duelling requires some
 ‘ speedy and effectual remedy.

‘ Now we are entering upon a peace abroad, let
 ‘ me conjure you all to use your utmost endeavours
 ‘ for calming mens minds at home, that the arts of
 ‘ peace may be cultivated.

‘ Let no groundless jealousies, contrived by a
 ‘ faction, and fomented by a party-rage, effect that
 ‘ which our foreign enemies could not.

‘ I pray God to direct all your consultations for
 ‘ his glory and the welfare of my people.’

The Queen being retired from the house of Peers,
 and the Commons gone back to their own, the
 Duke of *Beaufort* made a motion for an address of
 thanks, which had occasioned a small debate, chiefly
 about the expression of *general peace*. Some Peers
 argued, that it could not be said to be general,
 since the Emperor, the Elector of *Hanover*, and
 other Princes and States of the *empire* were not yet
 come into it: But they were answered, that it just-
 ly might be called general, since the major part
 of the allies had signed it. After this a motion
 was made, that in the address of thanks a clause
 might be inserted, that her Majesty would be
 pleased to lay before the house the treaties of peace
 and commerce; but the question being put there-
 upon,

Debate in
 the house of
 Lords.

upon, it was carried in the negative by a majority of 74 voices against 43. The next day, the Duke of *Beaufort* reported the address of thanks to the house, and the same being approved, was on *Saturday* the 11th, about two in the afternoon, presented to the Queen as follows:

Most gracious Sovereign,

‘ **W**E your Majesty’s most dutiful and loyal subjects, the Lords spiritual and temporal in Parliament assembled, do, with the greatest joy and satisfaction, return our humble thanks to your Majesty for your most gracious speech from the throne, and for communicating to your Parliament that a peace is concluded; by which we hope, with the blessing of God, that your people will, in a few years, recover themselves after so long and expensive a war; and also do congratulate your Majesty upon the success of your endeavours for a general peace.

‘ We never had the least doubt, but that your Majesty, who is the great support and ornament of the *protestant* religion, would continue to take, as you have always done, the wisest measures for securing the *protestant* succession, towards which nothing can be more necessary, than the perfect friendship there is between your Majesty and the house of *Hanover*.

‘ And we humbly assure your Majesty, that as you express your dependance, next under God, upon the duty and affection of your people, we think our selves bound by the strictest ties of religion, loyalty, and gratitude, to make all the dutiful returns that can be paid by the most obedient subjects to the most indulgent Sovereign.’

Her

Her Majesty's answer to this address, was,

My Lords,

I Do heartily thank you for this address; and be assured, that I take a particular satisfaction, that you so kindly express the confidence you have in me.

The Commons being on the 9th of *April*, returned to their house, and their Speaker having reported to them the Queen's speech, as usual; Mr. *Pitts* made a motion for an address of thanks, which was carried *nemine contradicente*; and the motion for a clause, that the treaties of peace and commerce might be communicated to the house, waved. That next day Mr. *Pitts* Chairman of the Committee appointed to draw up the address of thanks, reported the same to the house, and after a small debate, about the words, *to see accomplished*, which by a great majority were voted to stand, the address was agreed to; and on the 11th presented by the whole house to the Queen, as follows:

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the Commons of *Great-Britain* in Parliament assembled, beg leave with all humility, to approach your royal person with our unanimous acknowledgments for all the benefits we enjoy under your Majesty's most auspicious reign.

The many great successes which have attended your Majesty's arms, had left nothing to be wished, but such a peace as might be conducted by your councils, which now we have the happiness *to see accomplished*; and as we are truly sensible of your Majesty's gracious and generous intentions, in undertaking that great work, so we have all possible reason to admire your steadiness in carrying

' ing it on, and overcoming the many difficulties
 ' contrived to obstruct it; and it is with the high-
 ' est satisfaction, we congratulate your Majesty upon
 ' the happy conclusion of this treaty; for we are
 ' so much convinced of your Majesty's tender regard
 ' to the public welfare; and the many instances of
 ' your wisdom have taught us to have so perfect a
 ' reliance upon it, that we cannot doubt but your
 ' Majesty hath procured all reasonable satisfaction
 ' for your allies, and established the interest of your
 ' own kingdoms in such a manner, as to make us
 ' not only secure for the future, but a flourishing
 ' and a happy people.

' Your Majesty can give no higher proof of the
 ' care you take of posterity, than by the concern
 ' you are pleased to express for the *Protestant* suc-
 ' cession in the house of *Hanover*, upon which the
 ' future happiness of this kingdom so much depends.
 ' We hope, and trust, that nothing will ever be
 ' able to interrupt the friendship between your Ma-
 ' jesty and that illustrious family, since the wicked
 ' designs of those who would endeavour to separate
 ' your interests, must be too plain ever to succeed.

' Your FAITHFUL COMMONS can never enough
 ' express the grateful sense they have of the many
 ' gracious assurances contained in your Majesty's
 ' speech; and after what your Majesty hath done to
 ' ease your subjects of the heavy burthen which be-
 ' fore lay upon them, and after your unparalleled
 ' goodness, in demanding nothing from them for
 ' the time to come, but what they themselves shall
 ' judge requisite for their own safety; the best re-
 ' turn they can make, will be a ready and dutiful
 ' compliance with every thing you have been
 ' pleased to recommend: And they cannot fail most
 ' chearfully to set about providing the supplies ne-
 ' cessary for this year's service. Your Majesty's
 ' repeated condescensions must, in the strongest
 ' manner, engage the hearts and affections of all
 ' your

‘ your subjects to your Majesty, and we are satisfied
 ‘ we cannot more truly represent them, than by con-
 ‘ tributing our utmost endeavours to make your reign
 ‘ as prosperous, glorious, and easy to you self, as it
 ‘ is beneficial and happy to your people.’

To this address the Queen was pleased to answer.

Gentlemen,

*THIS address cannot but be very agreeable to me
 as it comes from my loyal Commons; and as it
 is a continuation of those expressions of duty and af-
 fection, which you have shewn through this whole
 Parliament.*

The same day the Commons read the first time,
A bill for the better enforcing the executing of the law Bill against
clandestine
outlawries.
for preventing clandestine outlawries; and having, as
 usual, settled the *grand Committees for religion,*
grievances, courts of justice, and of privileges and
elections; ordered their Speaker to issue out his
 warrants to the clerk of the crown, to make out
 new writs for electing members to fill up eleven
 vacancies in the house occasioned by the Lord Vis-
 count *Railton's* going up to the house of Lords as
 Earl of *Godolphin*; the death of nine others, and
 Mr. *Thomas Medlicot's* accepting, since his election,
 a profitable employment, being lately made one of
 the Commissioners of her Majesty's revenue in
Ireland. Horatio Walpole, Esq; having also since
 his election, accepted the office of one of the said
 Commissioners, an order was made the next day
 for a new writ, for the electing a Burgess in his
 room; but both he and Mr. *Medlicot* were soon af-
 ter chosen.

On the 10th, the Commons proceeded to take
 into consideration the Queen's speech to both houses,
 and the same being read by the Speaker, it was
 resolved that an humble address be presented to her
 Majesty,

Majesty, that she should be pleased to give directions to the proper officers, to lay before the house, an account how the money given by the Parliament for the service of the years 1711 and 1712 had been disposed of. After this a motion being made for a supply, the same was put off till the *Monday* following, when in a Committee of the whole house, who took her Majesty's speech into consideration, it was unanimously resolved, *that a supply be granted to her Majesty*. The *Saturday* before, the Commons ordered a bill to be brought in *to abolish trials by single combat, and to prevent the impious practice of duelling*. After which General *Stanhope* moved, that an humble address be presented to her Majesty, that she would be pleased (*in due time*) to communicate to the house the treaties of peace and commerce entered into by her Majesty with the crowns of *France* and *Spain*, which was carried in the affirmative, with the addition of the words, *in due time*. This address having been presented to the Queen by Mr. Chancellor of the Exchequer, her Majesty was pleased to answer, *That she intended to communicate to her Parliament the treaties this house desired, as soon as it was practicable*: Which the Chancellor of the Exchequer reported to the house on the 14th of *April*.

Bill to secure the freedom of Parliament.

On the first of *May*, a bill was ordered to be brought in *for securing the freedom of Parliaments, by limiting the number of officers in the house of Commons*; after which the land-tax bill was read a third time, passed, and sent up to the Lords. The next day, the Commons resolved to present two addresses to the Queen, that she would be pleased to give order to the proper Officers to lay before the house,

1. An estimate of the charge of the land forces in her Majesty's pay, for the first six months, for the year 1713.
2. An estimate of the office of ordnance for land service, for the year 1713.

This done, it was ordered, that the reverend Dr. *Henry*

Sacheverell

Sacheverell be desired to preach before this house, at *St. Margaret's Westminster*, the 29th instant, (being the day on which the nation commemorates the RESTORATION of the ROYAL FAMILY) and that *Sir John Packington*, *Sir William Whitlocke*, *Mr. Newland*, and *Mr. Hungerford*, do acquaint him therewith.

Dr. Sacheverell desired to preach before the Commons.

On the 15th of *May*, the bill for securing the freedom of Parliaments, by limiting the number of officers in the house of Commons, was read a second time and committed; and it having been observed, that the like bill had several times been lost in the house of Peers, some members designed to have tacked it to a money bill. But a motion being made, and the question put, that the said bill be committed to the Committee of the whole house, to whom the malt-bill was committed, it passed in the negative by a majority of 160 voices against 111; several members who were for the bill, being at the same time against the tacking.

Motion to tack the Officers bill to the malt bill rejected.

The endeavours of the *Scotch* members in the house of Commons for easing their countrymen of part of the *malt-tax*, having proved ineffectual, they had several private meetings with the *Scotch* Peers sitting in Parliament; and laying aside the invidious distinctions of *Tory* and *Whig*, they consulted together how to redress their grievances. On the 26th of *May* they deputed four of their members, *viz.* the Duke of *Argyle*, the Earl of *Marr*, *Mr. Lockhart*, and *Mr. Cockburn*, who, by their order, attended the Queen, and by word of mouth humbly remonstrated to her Majesty, 'That their countrymen bore with great impatience the violation of some articles of the act of Union, and that the laying such an insupportable burthen, as the *malt-tax*, upon them, was like to raise their discontents to such a height, as to prompt them to declare the Union dissolved.' To this unexpected verbal remonstrance the Queen answered, *This was a precipitate resolution, and she wished they might not have*

The *Scotch* members of both houses hold several private meetings.

Their deputation to the Queen.

The Queen's answer.

Debate in
the house of
Lords about
the Union.

reason to repent it ; but however, she would endeavour to make all things easy. The *Scotch* members being met again the next day, and their deputies having made their report of her Majesty's answer, it was unanimously agreed that before they proceeded further, they should lay their grievances before the house of Lords. Accordingly on *Thursday* the 28th of *May*, after the Lords had adjourned the debate about the VIIIth and XIth articles of the treaty of commerce, the Earl of *Seafeld* made a motion in the house of Peers, that some Day might be appointed to consider the state of the nation ; whereupon the Lords appointed *Monday* the first of *June*, when all the Lords in town were summoned. Between one and two the debate began, opened by the Earl that made the motion, who represented the grievances of the *Scotch* nation, which he reduced to four heads, *viz.* ‘ 1. Their being deprived of a ‘ Privy-council. 2. The laws of *England*, in cases ‘ of treason extended to *Scotland*. 3. The *Scotch* ‘ Peers being incapable of being made Peers of ‘ *Great-Britain*, as it was judged and declared in ‘ the case of the late Duke of *Hamilton*. And, 4th, ‘ the *Scots* being subjected to the *malt-tax*, which ‘ would be the more unsupportable to them now, ‘ in that they never bore it during the war, and had ‘ reason to expect to reap and enjoy the benefits of ‘ peace :’ concluding, ‘ That since the Union between ‘ the two nations had not those good effects as were ‘ expected and hoped for from it, when it was ‘ made, he therefore moved, that leave might be ‘ given to bring in a bill for dissolving the said Union, ‘ and securing the protestant succession in the house of ‘ *Hanover*, securing the *Queen's* prerogative in both ‘ kingdoms, and preserving an entire amity and good ‘ correspondence between the two kingdoms.’ This motion was seconded by the Earl of *Marr* ; and opposed by the Lord *North* and *Grey*, who in a long speech endeavoured to shew, that the complaints of the

the *Scots* were groundless, and the dissolving of the Union impracticable, not without some reflections on the poverty of the *Scotch* nation. He was answered by the Lord *Eglington*, ‘who allowed the *Scotch* nation to be poor; and therefore unable to pay the ‘malt-tax.’ The Lord North and Grey replied to him, *insisting*, ‘That it was nothing but what was ‘agreed by the treaty of Union; the XIVth article of ‘which imported, that *Scotland* should not be charged ‘with any imposition on malt during the war only, ‘which now was at an end.’ The Earl of *Islay* confessed there was such a clause; but that the same article imported, ‘That seeing it could not be supposed, that the Parliament of *Great-Britain* would ‘ever lay any sorts of burthens upon the united kingdom, but what they should find of necessity, at that ‘time, for the preservation and good of the whole, ‘and with due regard to the circumstances and abilities of every part of the united kingdom, therefore it was agreed, that there should be no further ‘exemption insisted on for any part of the united ‘kingdom, but that the consideration of any exemptions beyond what was already agreed on in this ‘treaty, should be left to the determination of the ‘Parliament of *Great-Britain*.’ He urged, ‘that ‘when this treaty was made, the *Scots* concluded, the ‘Parliament of *Great-Britain* would never go about ‘to lay any imposition that they had reason to believe ‘was burthenfome; and having set forth their inability to pay the *malt-tax*, concluded, for the Earl ‘of *Finlater*’s motion.’ Hereupon the Earl of *Peterborough* stood up, and made a long speech, wherein he endeavoured to shew the impossibility of *dissolving* the Union. He said among other things, ‘That he had heard the Union compared to a marriage; that according to that notion, since as it ‘was made, it could not be broke; being made by ‘the greatest power upon earth. That though ‘sometimes there happened a difference between

‘ man and wife, yet it did not presently break the
 ‘ marriage : So in the like manner, though *England*,
 ‘ who, in this national marriage, must be supposed
 ‘ to be the husband, might, in some instances, have
 ‘ been unkind to the Lady, yet she ought not pre-
 ‘ sently to sue for a divorce, the rather because she
 ‘ had very much mended her fortune by this match.
 ‘ adding, that the Union was a contract, than
 ‘ which nothing could be more binding.’ *To this*
the Lord Ilay answered, ‘ That if the Union had the
 ‘ same sanction as marriage, which was an ordinance
 ‘ of God, he should be for observing it as religiously
 ‘ as that, but that he thought there was a great
 ‘ difference.’ *To which the Earl of Peterborough re-*
plied, ‘ He could not tell how it could be more so-
 ‘ lemn than it was, except they expected it should
 ‘ have come down from heaven, like the ten com-
 ‘ mandments. Animadverting in the conclusion,
 ‘ on the *Scots*, as a people that could never be sa-
 ‘ tisfied ; that they would have all the advantages of
 ‘ being united to *England*, but would pay nothing,
 ‘ by their good will : and that they had more mo-
 ‘ ney from *England* than all their estates amounted
 ‘ to in their own country.’ *To him the Duke of*
Argyle replied, in a very handsome but warm speech ;
saying, among other things, ‘ That he was by some
 ‘ reflected on as if he was disgusted and had changed
 ‘ sides, but that he despised those persons, as much
 ‘ as he undervalued their judgments. That it was
 ‘ true he had a great hand in making the Union :
 ‘ That the chief reason that moved him to it was
 ‘ the securing the protestant succession ; but that
 ‘ he was satisfied that might be done as well now,
 ‘ if the Union were dissolved. That he spoke as a
 ‘ Peer of *England*, as well as of *Scotland* : That he
 ‘ believed in his conscience, it was as much for the
 ‘ interest of *England* as of *Scotland* to have it dis-
 ‘ solved ; and if it were not, he did not expect long
 ‘ to have either property left in *Scotland*, or liberty
 ‘ in

‘ in *England*. He urged, that the tax upon malt
‘ in *Scotland* was as unequal (though the same as in
‘ *England*) as taxing land by the acre, which would
‘ be very unjust, the land being worth five or six
‘ pound *per* acre, here about *London*, and not so
‘ many shillings in some part of the country. That
‘ this was the case between the *Scotch* and the *English*
‘ malt; the latter being worth three or four shillings
‘ the bushel, the other not above one: So that if
‘ this tax were collected in *Scotland*, it must be done
‘ by a regiment of dragoons.’ Some other Scotch
Peers said, ‘ That the end of the Union was the
‘ cultivating an amity and friendship between the
‘ two nations, but it was so far from having that
‘ effect, that they were sure the animosities between
‘ the two nations, were much greater now, than
‘ before the Union. That it might easily be proved
‘ by many instances, that some persons agreed better
‘ when they were asunder, than when together;
‘ and for that reason they believed, if the Union were
‘ dissolved again, the two nations would be like
‘ to be better friends.’ On the other hand, the
Lord Chief Justice *Trevor* made a vehement
speech against it, as a thing hardly possible to be
done. He was backed by the Lord Treasurer, who
said, ‘ That the Earl of *Seafield*’s motion was no
‘ less strange than unexpected, that the Union being
‘ made by two distinct Parliaments of both king-
‘ doms, he did not see how it could be dissolved,
‘ now the two nations were in different circum-
‘ stances from what they were in when it was made;
‘ because the power that made it was no more in
‘ being; and nothing could make it void, but the
‘ power that created it: Concluding, that if the *Scots*
‘ had any greivances to complain of, there might be
‘ some other method thought of to redress them,
‘ without proceeding to that extraordinary way of
‘ dissolving the Union, which had been made in

‘ so solemn a manner, and brought about with so
 ‘ much difficulty at last, after so many fruitless at-
 ‘ tempts before.’ *This was answered by the Earl of*
Nottingham, who represented, ‘ The advantages of
 ‘ the Union, if the views with which it was made,
 ‘ had been steadily pursued.’ *He added,* ‘ That
 ‘ though the two nations were now in other cir-
 ‘ cumstances than when the Union was made, yet
 ‘ the same power that was in the two Parliaments
 ‘ when they were separated and distinct, was lodg-
 ‘ ed in them, now they were consolidated, and
 ‘ therefore if they had power to make it, they cer-
 ‘ tainly had to dissolve it: And that he knew not
 ‘ any thing but what the Parliament could do, ex-
 ‘ cept destroying the present constitution, which he
 ‘ owned they had no power to do. That the in-
 ‘ conveniencies that had attended the Union could
 ‘ not be foreseen till the trial was made: And since
 ‘ the *Scots*, who were the best judges of the affairs
 ‘ of their kingdom, found that it did not answer
 ‘ the ends proposed, he was for dissolving it.’ *The*
Earl of Sunderland said to the same purpose, ‘ That
 ‘ though he had a hand in making the Union, yet
 ‘ if it had not that good effect which was expected
 ‘ from it, he was likewise for dissolving it.’ *The*
Lord Viscount Townshend said, ‘ He was of the same
 ‘ opinion; provided, nevertheless, means could be
 ‘ found to secure the protestant succession, and
 ‘ therefore desired to know what security the *Scots*
 ‘ could give for that essential point, before they
 ‘ proceeded any further.’ *To this some of the Scotch*
Lords replied, ‘ That would appear when the bill
 ‘ was brought in; that then it was a proper time to
 ‘ shew what security they could give; and there-
 ‘ fore moved that the question might be put im-
 ‘ mediately whether a bill should be brought in or
 ‘ not?’ *The Earl of Nottingham* desired, that ano-
 ‘ ther day might be appointed to consider further
 ‘ of a matter of such consequence, that the Lords
 might

might be better apprized of it. The Lord *Hallifax* declared also for dissolving the Union, provided it could be made appear that the succession could be secured ; but yet desired that a further day might be appointed to consider of so important a matter. Two *Scotch* Lords, the Earls of *Marr*, and *Loudoun*, who were before for putting the question immediately, declared themselves better satisfied by that Lord's reasons, and so were for putting it off to another time. There were several other speeches made both by *English* and *Scotch* Lords, particularly by the Earls of *Powlet*, *Scarborough*, and *Scarsdale* : And it is observable, that when one of the Lords urged the danger that *England* would be in from the Pretender, if the Union were dissolved, the Lord *Townshend* answered, ' He could not tell what ' *England* had to fear from that or any other incident ; and that the Queen, Lords, and Commons of *England*, if all in one interest, need fear ' no enemy in the world, but ought to despise the ' Pretender, and all his abettors.' The Duke of *Argyle* having occasion to mention the Pretender, said, ' He knew not what name to call him by, his name ' being now as uncertain as his parents : ' But the Earl of *Scarsdale* called him *the Prince*, or, added he, *the Pretender, which you will*. Upon the whole matter, the court Lords were all against dissolving the Union ; and said, that the very moving such a thing was dangerous, and might be of ill consequence, and therefore desired that such an effectual stop might be put to it, as that no one might offer at any such thing again. On the other hand, the *Scotch* Lords said, that if the Union were not dissolved, their country would be the most miserable under heaven. The question being put on the Earl of *Finlater's* motion, the same was carried in the negative by four voices, there being 54 Lords present on each side, and 17 proxies for the negative,

and only 13 for the affirmative. It is observable that the Lord Treasurer having, in the course of this debate, advanced, ‘ That though the tax were laid ‘ it might be afterwards remitted by the crown, and ‘ not levied :’ *The Earl of Sunderland said*, ‘ He ‘ wondered such expressions as tended to establish a ‘ *despotic dispensing power*, and *arbitrary government*, ‘ should come from that noble Lord.’ *To this the Treasurer answered*, ‘ That his family had never ‘ been for promoting and advising arbitrary measures, as others had done;’ which the Earl of *Sunderland* taking to be a reflection on his father, he not only vindicated him, but added, ‘ That the ‘ other Lord’s family was hardly known in those ‘ days.’

Sir Robert Davers reported from the Committee of the whole house, the amendments they had made to the *bill to make effectual the VIIIth and IXth articles of the treaty of commerce*, which, with amendments to some of them, were agreed to by the house. Then a motion being made, that the bill with the amendments be engrossed, the same occasioned a warm debate, that lasted from three o’ clock in the afternoon, till near eleven at night. *General Stanhope*, *Sir Peter King*, *Mr. Gould*, *Mr. Hampden*, and some others, made speeches, wherein they shewed the disadvantages of an open trade with *France*, particularly upon the foot of the VIIIth and IXth articles of the treaty of commerce. The member who spoke most in favour of the bill, was the same who was said to have been the person chiefly employed in that treaty, *viz.* *Mr. Arthur Moore*, one of the Commissioners of trade : But some of his arguments being thought strained and precarious by many of his own party, the majority adhered to the opinion of *Sir Thomas Hanmer*. This Gentleman made a long and excellent speech, wherein, among other things, he said, ‘ That before he had examined the affair in question to the ‘ bottom,

Sir Thomas Hanmer’s speech.

‘ bottom, he had given his vote for the bringing in
 ‘ the bill to make the VIIIth and IXth articles of
 ‘ the treaty of commerce effectual ; but that having
 ‘ afterwards maturely weighed and considered the
 ‘ allegations of the merchants, traders, and manu-
 ‘ facturers, in their several petitions and representa-
 ‘ tions, he was convinced, that the passing of this
 ‘ bill would be of great prejudice to the woollen
 ‘ and silk manufactures of this kingdom ; conse-
 ‘ quently increase the number of the poor, and so,
 ‘ in the end, affect the land. That while he had
 ‘ the honour to sit in that house, he would never be
 ‘ blindly led by any ministry ; neither, on the other
 ‘ hand, was he byassed by what might weigh with
 ‘ some men, *viz.* the fear of losing their elections:
 ‘ But that the principles upon which he acted, were
 ‘ the interest of his country, and the conviction of
 ‘ his judgment, and upon those two considerations
 ‘ alone, he was against the bill.’ This speech
 made a great impresson on many of the members ;
 and Mr. *Aislaiby*, one of the Lords Commissioners
 of the admiralty, and Mr. *Francis Annesly*, one of
 the Commissioners of the public accounts, having
 spoke also against the bill, the question whether it
 should be engrossed, was, at last, carried in the ne-
 gative, by a majority of 194 voices against 185. A
 list of the persons who spoke for and against the
 bill, was handed about as follows.

For the B I L L.

- | | |
|---------------------------------|--------------------------------|
| 1. Sir <i>Robert Vyvian</i> , | 10. Mr. <i>Tho. Foley</i> , |
| 2. Mr. <i>Campion</i> , | 11. Mr. <i>Manley</i> , |
| 3. Sir <i>Richard How</i> , | 12. Mr. <i>Edward Harley</i> , |
| 4. Mr. <i>Eversfield</i> , | 13. Mr. <i>James Murray</i> , |
| 5. Mr. <i>Adleworth</i> , | 14. Sir <i>Alex. Cuming</i> , |
| 6. Sir <i>Joseph Martin</i> , | 15. Col. <i>Byerley</i> , |
| 7. Sir <i>Will. Whitlocke</i> , | 16. Mr. <i>Arthur Moore</i> , |
| 8. Mr. <i>Gore</i> , | 17. Mr. <i>Cesar</i> . |
| 9. Mr. <i>Baldwin</i> , | |

Against

Against the BILL.

- | | |
|--------------------------------|----------------------------------|
| 1. Mr. <i>Robert Heysham</i> , | 11. Mr. <i>Lawson</i> , |
| 2. Mr. <i>Cholmondley</i> , | 12. Mr. <i>Smith</i> , |
| 3. Gen. <i>Stanhope</i> , | 13. Sir <i>D. Dalrymple</i> , |
| 4. Mr. <i>Docminique</i> , | 14. Mr. <i>Tho. Smith</i> , of |
| 5. Sir <i>Aribur Kay</i> , | <i>Glasgow</i> , |
| 6. Mr. <i>Gould</i> , | 15. Sir <i>Tho. Hanmer</i> , |
| 7. Mr. <i>Poultney</i> , | 16. Mr. <i>Aislaiby</i> , |
| 8. Sir <i>Peter King</i> , | 17. Mr. <i>Wortley</i> , |
| 9. Mr. <i>Hampden</i> , | 18. Mr. <i>Francis Annesly</i> . |
| 10. Mr. <i>Baily</i> , | |

Report a-
bout a letter
written to
the *Speaker*.

Rejoicings
in *London*
upon the
rejecting of
that bill.

It was observed that of the four members for the city of *London*, one only, Sir *William Withers*, voted for the bill; and that Sir *Richard Hoare*, the present Lord Mayor, Sir *George Newland*, and Sir *John Cals*, voted against it; as did also the two members for *Westminster*, Mr. *Medlicot*, and Mr. *Thomas Cross*, the last of whom was afterwards knighted. On the other hand, it was confidently given out, that the Lord Treasurer, foreseeing the ill effects of passing such a bill at this juncture, wrote the night before a letter to the Speaker of the house of Commons, desiring him to use his interest to make it drop; which step he might probably be induced to take, from the opposition the said bill was like to meet with in the house of Lords, where, that very afternoon, the Earls of *Anglesey* and *Abingdon*, and some other Peers, had declared against it. However, some doubted either the reality or true design of such a letter, because most of the court and *Scotch* members voted for the bill. Be that as it will, the *London* drapers, mercers, and weavers, were overjoyed at the rejecting of the bill, and on *Friday* night, the 19th of *June*, expressed their satisfaction by several bonfires and illuminations.

The

The next day, Mr. Chancellor of the *Exchequer* acquainted the Commons, 'That their address having been presented to the Queen for an account to be laid before the house, what equivalent was given to the most Christian King for the demolition of *Dunkirk*, and in case the equivalent was not complied with, what was stipulated relating to *Dunkirk*: Her Majesty had been pleased to command him to acquaint this house, that in pursuance of the treaties, as well between her Majesty and the most Christian King, as between that King and the *States-General*, the equivalent which was to be given for the demolition of *Dunkirk*, was already in the hands of his most Christian Majesty.' It was reported, that many of the members were not over-pleased with this answer; and that they only acquiesced in it, out of respect to her Majesty.

The
Queen's
answer about
the equivalent
for
Dunkirk.

On *Monday* the 22d of *June*, the Commons resolved to address her Majesty, 'That she would be pleased to direct the Commissioners of her navy to make trials of pitch and tar made of roch and roof stone, that they might be able to report the nature and usefulness of them.' After this Mr. Chancellor of the *Exchequer* acquainted them, that pursuant to their address for an account, 'What her Majesty had stipulated for the trade of *Great-Britain* in *Flanders*, and how the same was to be secured,' her Majesty had commanded the report of her Commissioners of trade, about that matter, to be laid before this house. And he presented the same accordingly; which being read, it was resolved to address her Majesty, 'That she would be pleased to take care, that the towns in *Flanders* in her Majesty's possession, be not evacuated till those who are to have the sovereignty of the *Spanish Netherlands*, agree to such articles for regulating of trade, as may put the subjects of *Great-Britain* upon an equal foot with those of any other nation.'

‘ nation.’ To which address the Queen made a very gracious answer, according to the desire of the house.

The rejecting of the *bill to make effectual the VIIIth and IXth articles of the treaty of commerce*, being a tacit, not to say an express condemnation of that treaty, and no small reflection, both on those that immediately managed that important affair, and even on those by whom they were employed; the majority of the Commons were inclined to palliate any mistakes that might have happened through inadvertancy and human frailty: The rather, because some men began to exult, as if they had already triumphed over their adversaries. Hereupon, on the 23d of June, Sir Thomas Hanmer made a motion, ‘ That an address be presented to her Majesty, returning her Majesty the humble thanks of this house, for the great care she has taken of the security and honour of her kingdoms in the treaty of peace; and also for what she has done in the treaty of commerce with *France*, by laying so good a foundation for the interests of her people in trade; and humbly to desire her Majesty, that she would be pleased to appoint Commissioners to treat with Commissioners on the part of *France*, for adjusting such matters as shall be necessary to be settled in the treaty of commerce between her Majesty and *France*, that the treaty may be so explained and perfected, that an entire scheme of trade may be settled, for the making effectual her Majesty’s gracious intentions for the good and welfare of her people.’ The house being very thin, and many of the members who voted against the bill above-mentioned, and who did not expect such a motion, being absent, the question was carried in the affirmative by a majority of 156 voices against 72. After a Committee for drawing up the address had been appointed, General Stanhope made a motion, and the question was put,

put, ' That it be an instruction to the said Committee, that they do represent in the said address, ' the sense of this house, that her Majesty's Commissioners, who are to treat of the commerce between *Great-Britain* and *France*, shall insist, that ' liberty be given to her Majesty's subjects to trade ' to all the ports in the *French King's* dominions: ' But the previous question being put, that that question be now put, it passed in the negative. The next day Sir *Thomas Hanmer* reported the address of thanks, which was agreed to, and resolved, that the said address be presented to her Majesty by the whole house. Accordingly on *Friday*, the 20th of *June*, about six o'clock in the afternoon, the Commons, with their Speaker, did, by her Majesty's appointment, attend her at her palace at *Kensington* with the following address.

Most gracious Sovereign,

' **W** E your Majesty's most dutiful and loyal ' subjects, the Commons of *Great-Britain* ' in Parliament assembled, having, at the opening ' of this session, congratulated your Majesty upon ' the conclusion of a peace, find ourselves now under ' equal obligations of duty, to express our thankfulness to your Majesty, since we have been acquainted with the conditions and terms of it; ' which by your great wisdom have been procured, ' and by your gracious condescension have been ' communicated to us: Your Majesty's extensive ' care hath not only provided for the security, but ' the honour of your kingdoms; and we should be ' wanting in our concern for both, if we should ' omit our just acknowledgments for the particular ' regards which your Majesty in this, as well as ' other instances, hath shewn to them.

' The good foundation your Majesty hath laid ' for the interest of your people in trade, by what ' you

‘ you have done in the treaty of navigation and
 ‘ commerce with *France*, gives us hopes of seeing it
 ‘ yet further improved to the advantage of your
 ‘ kingdoms ; and we make it our humble request to
 ‘ your Majesty, that you will be pleased to appoint
 ‘ Commissaries to treat with those of *France*, for
 ‘ the adjusting such matters, as are still necessary to
 ‘ be settled ; and that you will give such *orders* for
 ‘ the perfecting the said treaty, and explaining the
 ‘ several parts of it, that an entire *scheme* of trade
 ‘ may be framed between *Great-Britain* and *France*,
 ‘ which may fully answer, and make effectual your
 ‘ Majesty’s gracious intentions for the good and
 ‘ welfare of your people.’

To which the Queen was pleased to give this answer.

Gentlemen,

I Thank you most heartily for this address which so fully expresses your approbation of the treaties of peace and commerce with *France*.

It was with no small difficulty that so great advantages in trade were obtained for my subjects, and I will readily comply with your desires, in continuing my utmost care to secure the benefits I have stipulated for my people.

This answer surprized many of the members, such, especially, who readily went into the address with no other intention, than to shew their approbation of the treaty of peace, abstracted from the treaty of commerce. However, the Speaker having early the next day reported the said answer to a very thin house, it was resolved, *nemine contradicente*, ‘ That the humble thanks of this house be
 ‘ returned to her Majesty, for her Majesty’s most
 ‘ gracious answer to the address of this house.’

On

On the 25th of *June*, Mr. Chancellor of the *Exchequer* presented to the house the following message from her Majesty.

‘ **H**ER Majesty thinks fit to acquaint her loyal house of Commons, with the difficulties, which she in a particular manner lies under by the debts contracted in her civil government, occasioned by several extraordinary expences formerly incurred; so that her Majesty thinks herself obliged in justice to many creditors, to order an estimate to be laid before this house of what was owing on the civil list in the year 1710.

A message from the Queen, concerning the civil list debts.

‘ Her Majesty hath used unexampled parsimony to remove, if possible, this burthen from herself; but the granting away, and lessening some part of her revenue by Parliament, has made that impracticable; therefore her Majesty hopes, that this house of Commons, which on all occasions have shewed themselves so well affected to her, will not be unwilling to empower her to raise such a sum of money on the civil list funds, as may enable her to discharge the debts, and settle the expence, to be regularly paid for the future.’

Kensington, June
the 25th, 1713.

This message having been read by the Speaker, Mr. Chancellor of the *Exchequer* presented to the house an estimate of the debts which were owing to the several heads of expence for her Majesty’s civil government, at or about *Midsummer* 1710, which being read, it was resolved to consider of the said message the next day, in a Committee of the whole house, and ordered that the said message and estimate be referred to the said Committee. An eminent member, Mr. *John Smith*, formerly Speaker of

of the house, and one of the tellers of the *Exchequer*, having raised some objections against that estimate, said in vindication of the late Ministry, ' That to his certain knowledge, the debts of the civil list in the month of *August* 1710, did not amount to above 150,000 *l.* for the payment of part of which sum, there were some moneys standing out, besides great quantities of tin, whereas by the estimate now laid before the Commons, the said debts to *Midsummer* 1710, that is about two months before, were made to amount to 400,000 *l.*' A motion was thereupon made, and the question put, ' That an humble address be presented to her Majesty, that she would please to direct an account to be laid before the house, of the arrears of the civil list funds standing out at *Midsummer* 1710. And also, an account of the debts of the civil list as they are at this time, and of the arrears of the civil list funds to pay the same : ' But the same passed in the negative, to the great surprize of many. The next day the Commons in a Committee of the whole house, considered of the message from her Majesty the day before, and after some debate came to this resolution ; ' That her Majesty be empowered by letters patents under the great seal of *Great-Britain*, to set apart and appropriate a sum, not exceeding 35,000 *l. per annum*, for any term not exceeding thirty-two years, to be made a fund or security to raise, by such means and methods, and in such manner and form as her Majesty by such letters patents shall appoint, any sum not exceeding five hundred thousand pounds, to discharge arrears and debts owing to her servants and others, payable out of the branches settled for defraying the expence of her civil government, and that the said yearly sum be charged upon all the said branches, whether they be hereditary or temporary, and be issued and paid

‘ paid at the *Exchequer*, out of the monies from
 ‘ time to time arising by those branches, with pre-
 ‘ ference to all other payments to be hereafter charg-
 ‘ ed thereupon at the said receipt.’ Which resolu-
 tion was the next day reported, and agreed to by
 the house; and a bill was ordered to be brought in
 thereupon.

Upon the second reading of this bill, a motion
 which had been formerly made and laid aside, was
 again proposed with better success, which was to
 address her Majesty, First, *for an account of the*
debts on the civil list, to Midsummer 1713. And
 secondly, *for a yearly account of the neat produce of*
the civil list funds, since her Majesty's accession to the
throne. This last address was made upon a sug-
 gestion that the civil list funds, which at first were
 given only for about 700,000 *l. per annum*, yielded
 now above 850,000 *l.* But whether there was any
 ground for that report or no, it is certain that no
 answer was returned to that address: And the bill
 soon after passed.

On *Tuesday* the last of *June*, the Earl of *Wharton*
 moved in the house of Peers, ‘ That an address
 ‘ may be presented to the Queen, that she would
 ‘ be pleased to use her most pressing instances with
 ‘ the Duke of *Lorrain*, and with all the Princes
 ‘ and States in amity and correspondence with her
 ‘ Majesty, that they would not receive, or suffer to
 ‘ continue within any of their dominions, the Pre-
 ‘ tender to the imperial crown of these realms.’

Motion
 made in the
 house of
 Lords for
 removing
 the Preten-
 der from
Lorrain.

Several members appearing surprized at this
 unexpected motion, which was undoubtedly de-
 signed to try the inclinations and affections of some
 persons, there was a pause for a while: At last the
 Lord *Lord* and *Grey* broke silence, and endeavour-
 ed to have that motion laid aside, representing, that
 such an address would shew a distrust either of the
 Queen, or the Ministers; that her Majesty would
 be very much puzzled what to do, in case the

The Lord
North and
Grey speaks
 against it.

Princes and the States in amity with her, should be unwilling to comply with her instances, since it would not be in her power to compel them; concluding with this question, Where they would have to Pretender reside, since most, if not all the powers in *Europe*, were in amity with her Majesty? To this the Earl of *Peterborough* was said to have answered, *That since he began his studies in Paris, the fittest place for him to improve himself was Rome.* After some other warm expressions between the Earl of *Wharton* and the Lord Treasurer, it was unanimously resolved that such an address should be presented to her Majesty. Accordingly, on the 2d of *July* the house of Lords attended her Majesty with the following address:

Most gracious Sovereign,

Address of
the house of
Lords against
the Pretender.

WE your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in Parliament assembled, do take leave humbly to return to your Majesty the thanks of this house, for the great care it appears to us your Majesty has, on all occasions, taken to prevent the Pretender to your crown from coming into any of your Majesty's dominions: And we do humbly beseech your Majesty, that for the safety of your person and government, the security of the protestant succession in the house of *Hanover*, and for the peace and quiet of these your kingdoms, your Majesty will be graciously pleased to use your most pressing instances with the Duke of *Lorrain*, and with all Princes and States in amity and correspondence with your Majesty, that they will not receive, or suffer to continue within any of their dominions the Pretender to the imperial crown of these realms.

To

To this address her Majesty was pleased to give the following answer.

My Lords,

I Take extream kindly your address, and the thanks you give me for what I have done for establishing the protestant succession.

I shall repeat my instances to have that person removed, according as you desire in this address.

And I promise my self, you will concur with me, that if we could cure our animosities and divisions at home, it would be the most effectual method to secure the protestant succession.

The Lord Chancellor having the next day reported her Majesty's answer to the house of Peers, the Duke of *Buckingham*, Lord President, said, he never heard of any instances that had yet been made to the Duke of *Lorrain*, for removing the Pretender out of his dominions. If either of the two principal Ministers of state had been in the house, they might, in all probability, have better explained her Majesty's answer, but they happened to be both at dinner with the Duke *D'Aumont*, Ambassador extraordinary from his most Christian Majesty. Hereupon, the Earl of *Sunderland* made a motion for a second address; which was backed by the Earl of *Nottingham*, and, notwithstanding some small opposition, it was ordered by the Lords spiritual and temporal in Parliament assembled, 'That
' an humble address be presented to her Majesty, to
' return the thanks of this house to her Majesty, for
' her most gracious answer to their address; and for
' the assurances her Majesty has been pleased to give
' us, of repeating her instances for removing the Pre-
' tender; and to express our surprize, that such in-
' stances have not had their full effect, notwithstand-

A second address against the Pretender, ordered by the Lords to be presented to the Queen.

‘ ing the *French King*, and the King of *Spain* have
 ‘ shewed their compliance to her Majesty’s desires on
 ‘ that occasion; and to assure her Majesty that this
 ‘ house will stand by her and support her, in
 ‘ whatever her Majesty shall judge proper for ob-
 ‘ taining a demand, which is so warranted by the
 ‘ laws of nations, and so necessary for the honour
 ‘ and safety of her Majesty, and for the present and
 ‘ future peace and quiet of the people.’ It was also
 ordered, that the said address be presented to her
 Majesty by the Lords with white staves; which
 was done accordingly: And on *Monday* the 6th of
July, the Lord Steward acquainted the house, *That*
the Lords with white staves had presented to her Ma-
jesty the address of this house of Friday last; and her
Majesty was pleased to receive the same very gra-
ciously.

Motion
made by
General
Stanbope
for an ad-
dress against
the Preten-
der.

On *Wednesday* the first of *July*, General *Stanbope*
made a motion in the house of Commons, to the
same purpose with that of the Earl of *Wharton* the
day before in the house of Peers, and was second-
ed by Mr. *Lechmere*. The only objection raised
against it, was started by Sir *William Whitlocke*,
who said, ‘ He remembered, that the like address
‘ was formerly made to the Protector, for having
‘ *Charles Stuart* removed out of *France*: Notwith-
‘ standing which that Prince was, *some time after*,
‘ restored to his father’s throne.’ But nevertheless
those few members who might have any affection
for the present royal exile, being shy to shew it, on
so critical a juncture, when the Parliament being so
near expiring, a new election was coming on, it
was, according to Mr. *Stanbope*’s motion resolved,
nemine contradicente, ‘ That an humble address be
‘ presented to her Majesty, acknowledging the great
‘ care her Majesty had always taken, particularly
‘ in the late treaties and guaranty, to prevent the
‘ Pretender to her throne being in a condition to
‘ disturb

Unanimous
resolutions
for it.

' disturb these realms ; and to beseech her Majesty,
 ' that she will use the most speedy and pressing in-
 ' stances with the Duke of *Lorrain*, and with all
 ' other Princes and States in amity or correspondence
 ' with her Majesty, that they will not under any
 ' pretext whatsoever, receive or suffer to continue
 ' within any of their dominions, the person, who in
 ' defiance of her Majesty's most undoubted title to
 ' the crown, and the settlement thereof in the illu-
 ' strious house of *Hanover*, has assumed the title of
 ' King of these realms ; and to assure her Majesty,
 ' that the Commons of *Great-Britain*, will, on all
 ' occasions, to the utmost of their power, support
 ' her Majesty in such steps, as shall be necessary to-
 ' wards rendering those instances effectual.' After
 this, a Committee was appointed to draw up the
 said address, which Mr. *Stanhope*, Chairman of the
 Committee, reported to the house on the third of
July ; and the same being unanimously approved,
 was five days after, presented, by the Speaker with
 the whole house, to her Majesty, as follows.

Most gracious Sovereign,

' **W** E your Majesty's most dutiful and loyal
 ' subjects, the Commons of *Great-Britain*
 ' in Parliament assembled, having nothing so justly
 ' at our hearts as the honour and safety of your most
 ' sacred person and government, and the security of
 ' the Protestant succession, do crave leave most
 ' thankfully to acknowledge the great care which
 ' your Majesty, in tenderness to your people, hath
 ' always taken to prevent the Pretender to your
 ' crown from being in a condition to disturb these
 ' realms ; and particularly by the late treaty of gua-
 ' ranty with the *States-General*, and the treaty of
 ' peace between your Majesty and the *French King*,
 ' wherein, amongst other just and necessary pro-
 ' visions for the security of the Protestant succession,

Commons
address a-
gainst the
Pretender.

‘ it is stipulated, that the Pretender to your Majesty’s crown, shall not be suffered to reside in any of that King’s dominions. Your Majesty wisely insisted upon his removal from that neighbouring kingdom, and your faithful Commons are so fully convinced of the necessity there is to remove him as far as possible, that they cannot but express to your Majesty their apprehensions of the many dangers which may accrue to your Majesty, and to your kingdoms, from his residing in the territories of the Duke of *Lorrain*.

‘ We do therefore, out of the highest duty and concern for the preservation of your royal person, and the quiet of your people, most humbly beseech your Majesty, that you will be pleased to use the most speedy and pressing instances with the Duke of *Lorrain*, and with all other Princes and States in amity, or correspondence with your Majesty, that they will not, under any pretext whatsoever, receive, or suffer to continue within any of their dominions, that person, who, in defiance of your Majesty’s most undoubted title to the crown, and the settlement thereof on the illustrious house of *Hanover*, has assumed the title of King of these realms; and we further beg leave to assure your Majesty, that the Commons of *Great-Britain* will, on all occasions, to the utmost of their power, support your Majesty in such steps as shall be necessary towards rendering those instances effectual, and your Majesty safe and easy upon your throne.’

To this address the Queen was pleased to answer :

Gentlemen,

I Thank you heartily for your address, and I will give directions according as you desire.

This

This answer being the next day reported to the house by the Speaker, it was unanimously resolved, to return her Majesty the thanks of the house for the same.

On the 16th of *July*, the Queen went to the house of Peers, with the usual state; and the Commons being sent for up, and attending, their Speaker made a speech to her Majesty, upon the presenting of the money bills; after which her Majesty gave the royal assent to several bills; and then was pleased to make the following speech to both houses:

My Lords and Gentlemen,

‘ I Come now to put an end to this session with great satisfaction, and return you all my hearty thanks for the good service you have done to the public.

The Queen's speech to both houses of Parliament.

Gentlemen of the house of Commons,

‘ I must particularly thank you for the supplies you have now given; I will take care to apply them, as far as they will reach, to satisfy the services you have voted.

‘ I hope, at the next meeting, the affair of commerce will be so well understood, that the advantageous conditions I have obtained from *France*, will be made effectual for the benefit of our trade.

‘ I cannot part with so good and so loyal an house of Commons, without expressing how sensible I am of the affection, zeal, and duty, with which you have behaved yourselves; and I think myself therefore obliged to take notice of those remarkable services you have performed.

‘ At your first meeting, you found a method, without farther charge to my people, to ease

‘ them of the heavy load of more than nine millions; and the way of doing it may bring great advantage to the nation.

‘ In this session you have enabled me to be just in paying the debts due to my servants.

‘ And as you furnished supplies for carrying on the war, so you have strengthened my hands in obtaining a peace.

‘ Thus, you have shewed yourselves the true representatives of my loyal Commons, by the just regard you have paid to the good of your country, and my honour: These proceedings will, I doubt not, preserve the memory of this Parliament to posterity.

My Lords and Gentlemen,

‘ At my coming to the crown, I found a war prepared for me. God has blessed my arms with many victories, and at last has enabled me to make them useful by a safe and honourable peace.

‘ I heartily thank you for the assistance you have given me therein, and I promise myself, that with your concurrence, it will be lasting.

‘ To this end, I recommend it to you all, to make my subjects truly sensible what they gain by the peace, and that you will endeavour to dissipate those groundless jealousies which have been so industriously fomented amongst us, that our unhappy divisions may not weaken, and in some sort endanger, the advantages I have obtained for my kingdoms.

‘ There are some (very few, I hope) who will never be satisfied with my government; it is necessary therefore, that you shew your love to your country, by exerting yourselves, to obviate the malice of the ill-minded, and to undeceive the deluded.

‘ Nothing

‘ Nothing can establish peace at home, nothing
 ‘ can recover the disorders that have happened dur-
 ‘ ing so long a war, but a steady adhering to the
 ‘ constitution in church and state.

‘ Such as are true to these principles are only to
 ‘ be relied on, and as they have the best title to
 ‘ my favour, so you may depend upon my having
 ‘ no interest nor aim, but your advantage, and the
 ‘ securing of our religion and liberty.

‘ I hope, for the quiet of these nations, and the
 ‘ universal good, that I shall, next winter, meet
 ‘ my Parliament, resolved to act upon the same
 ‘ principles, with the same prudence, and with such
 ‘ vigour, as may enable me to support the liberties
 ‘ of *Europe* abroad, and reduce the spirit of faction
 ‘ at home.’

And afterwards the Lord High Chancellor of
Great-Britain, by her Majesty’s command, said,

My Lords and Gentlemen,

[It is her Majesty’s royal will and pleasure, that this The Parlia-
ment pro-
rogued.
Parliament be prorogued to Friday the 28th day of
August next: And this Parliament is accordingly pro-
rogued to Friday the 28th day of August next.

Thus ended the third and last session of the third
British Parliament, which some have distinguished
 by the epithet *pacific*.

ON the 16th of *February*, the Parliament of The Parlia-
ment of
Great-Bri-
tain meets.
Great-Britain met at *Westminster*, and the
 Commons, at the desire of the Lords Commissioners
 appointed by her Majesty, attending their Lord-
 ships in the house of Lords, the Lord High Chan-
 cellor signified to them her Majesty’s pleasure, that
 they should forthwith proceed to the choice of a fit
 person to be their Speaker, and present him the
Thursday

Sir Thomas
Hanmer
chosen
Speaker of
the house of
Commons.

Mr. Steele's
speech
thereupon.

Thursday following. Accordingly, the Commons being returned to their house, *unanimously* made choice of Sir *Thomas Hanmer*, Bart. to be their Speaker: Upon which occasion *Richard Steele*, Esq; made the following speech:

‘ **A**T the close of the last session of Parliament, her Majesty was graciously pleased to declare from the throne, that the late REJECTED BILL OF COMMERCE, between *Great-Britain* and *France*, should be offered to the house.

‘ That declaration was certainly made, that every Gentleman who should have the honour to be returned hither, might make himself master of that important question.

‘ It is *demonstration* that was a most PERNICIOUS BILL, and no man can have so great merit to this nation at this time as his, by whose weight and authority that pernicious bill was thrown out.

‘ I RISE UP TO DO HIM HONOUR in some measure, and distinguish myself, by giving him my vote, *for that his inestimable service to his country.*

The mem-
bers qualify
themselves.

On *Thursday* the 18th of *February*, the Lords Commissioners appointed by her Majesty, approved the choice the Commons had made of Sir *Thomas Hanmer* to be their Speaker; after which Mr. *Speaker* alone, and then the *members present took the oaths, and made and subscribed the declaration, and took and subscribed the oath of ABJURATION*, according to the laws made for those purposes. On the 19th, 20th, and 23d of *February*, several other members present did the same, and on the 23d, the house adjourned till *Tuesday* the 2d of *March* next.

March

March 2d, the Queen went, in a sedan, to the house of Lords, with the usual state and solemnity, and the Commons being sent for up, and attending, her Majesty addressed herself to both houses of Parliament, in the following speech:

My Lords and Gentlemen,

‘ I Have much satisfaction in being able, at the opening this Parliament, to tell you, that the ratifications of the treaties of peace and of commerce with *Spain* are exchanged, by which my subjects will have greater opportunities than ever to improve and extend their trade. Many advantages formerly enjoyed by connivance, and procured by such methods, as made a distinction between one *British* merchant and another, are now settled by treaty, and an equal rule is established.

The Queen's speech to both houses of Parliament.

‘ It has pleased God to bless my endeavours to obtain an honourable and advantageous peace for my own people, and for the greatest part of my allies. Nothing which I can do shall be wanting to render it universal, and I persuade myself that, with your hearty concurrence, my interposition may at last prove effectual to compleat the settlement of *Europe*.

‘ In the mean while, I congratulate with my own subjects, that they are delivered from a consuming land-war, and entered on a peace; the good effects whereof nothing but intestine divisions can obstruct.

‘ It was the glory of the wisest and greatest of my predecessors, to hold the balance of *Europe*, and to keep it equal by casting in their weight as necessity required. By this conduct they enriched the kingdom, and rendered themselves dreadful to their enemies, and useful to their friends. I have proceeded on the same principle, and I doubt

‘ doubt not but my successors will follow these examples.

‘ Our situation points out to us our true interest; for this country can flourish only by trade, and will be most formidable by the right application of our naval force.

Gentlemen of the house of Commons,

‘ I have ordered such accounts to be prepared and laid before you, as will shew you, at the conclusion of the war, the true state of your condition, whereby you will be able to judge what aids are necessary; and I only ask you supplies for the current service of the year, and for the discharge of such debts as you shall find, on examination, to be just and reasonable.

My Lords and Gentlemen,

‘ The joy which has been generally expressed on my recovery from my late indisposition, and on my coming to this city, I esteem as a return to that tender affection which I have always had for my people.

‘ I wish that effectual care had been taken, as I have often desired, to suppress those seditious papers, and factious rumours, by which designing men have been able to sink credit, and the innocent have suffered.

‘ There are some who are arrived to that height of malice, as to insinuate, that the PROTESTANT SUCCESSION in the house of *Hanover*, is in DANGER UNDER MY GOVERNMENT.

‘ Those who go about thus to distract the minds of men with imaginary dangers, can only mean to disturb the present tranquillity, and to bring real mischiefs upon us.

‘ After all I have done to secure our religion, and your liberties, and to transmit both safe to posterity

‘ posterity, I cannot mention these proceedings
 ‘ without some degree of warmth; and I must hope
 ‘ you will agree with me, that attempts to weaken
 ‘ my authority, or render the possession of the
 ‘ crown uneasy to me, can never be proper means
 ‘ to strengthen the *protestant* succession.

‘ I have done, and shall continue to do my best
 ‘ for the good of all my subjects. Let it be your
 ‘ endeavour, as it shall be mine, to unite our diffe-
 ‘ rences, not by relaxing from the strictest adhe-
 ‘ rence to our constitution in church and state, but
 ‘ by observing the laws yourselves, and enforcing
 ‘ a due obedience to them in others.

‘ A long war has not only impoverished the
 ‘ public, (however some particular men may have
 ‘ been gainers by it) but has also greatly affected
 ‘ government itself.

‘ Let it be your care so to improve the present
 ‘ opportunity, as to lay the foundation of recovering
 ‘ from those disorders.

‘ I had the concurrence of the last Parliament in
 ‘ making the peace; let it be the honour of this,
 ‘ to assist me in obtaining such fruits from it, as
 ‘ may not only derive blessings on the present age,
 ‘ but even down to the latest posterity.’

The Queen being retired, and the Commons
 gone back to their house, the Lords resolved to
 present an address of thanks to her Majesty, which
 being drawn up by a Committee appointed for
 that purpose, and agreed to on the third of *March*,
 was the next day presented to her Majesty, as
 follows:

Most gracious Sovereign,

‘ **W**E your Majesty’s most dutiful and loyal
 ‘ subjects, the Lords spiritual and temporal
 ‘ in Parliament assembled, beg leave to approach
 ‘ your royal person, with the greatest respect, to re-
 ‘ turn

The Lords
 address of
 thanks to
 the Queen.

' turn the humble thanks of this house to your Ma-
 ' jesty, for your most gracious speech from the
 ' throne. We chearfully embrace this opportunity
 ' of assuring your Majesty, that the joy our hearts
 ' are filled with, upon your recovery from your late
 ' indisposition, cannot sufficiently be expressed ; and
 ' that our fervent prayers to Almighty God shall
 ' never be wanting, that *your Majesty's* reign may
 ' exceed in number of years, and in all manner of
 ' happiness, that of the longest and most prosperous
 ' of any of your royal predecessors, as that which
 ' will best conduce to the happiness and satisf-
 ' faction of the most dutiful *subjects*, to the best of
 ' Queens.

' It is with the greatest pleasure, and the utmost
 ' gratitude, that this house receives the communi-
 ' cation your Majesty is pleased to give them,
 ' that the ratifications of your treaties of peace and
 ' commerce with *Spain* are exchanged, and that
 ' we are, by your Majesty's great wisdom and
 ' goodness, at last delivered from that consuming
 ' land war, the burthens and ill consequences
 ' whereof we are sensible nothing can remove or
 ' prevent, but a right improvement of the present
 ' opportunity ; and it shall be our endeavour, as
 ' we are satisfied it will be your Majesty's, to unite
 ' our differences, not by relaxing from the strictest
 ' adherence to our constitution in church and state,
 ' but by observing the laws ourselves, and to the
 ' utmost of our power, enforcing a due obedience to
 ' them in others.

' And we do assure your Majesty, that this
 ' house will most heartily concur with your Ma-
 ' jesty, in all proper methods, to compleat the set-
 ' tlement of *Europe* ; and we will use our utmost
 ' endeavours to discourage and discountenance all
 ' attempts to weaken your Majesty's authority, or
 ' to render the possession of the crown uneasy to
 ' you.

' We

‘ We acknowledge, with hearts full of duty and
 ‘ thankfulness, that great care which your Majesty
 ‘ has taken, during the whole course of your reign,
 ‘ to secure our religion and liberties, and to transmit
 ‘ both safe to posterity.

‘ It is with the utmost detestation, that we reflect
 ‘ on the proceedings of those men, who, by spread-
 ‘ ing seditious papers, and factious rumours, have
 ‘ been able to sink credit, and thereby to involve
 ‘ the innocent in the ill consequences of their iniqui-
 ‘ ty; and more particularly of those who have at-
 ‘ tained to that height of malice, as to insinuate, that
 ‘ the protestant succession in the house of *Hanover* is
 ‘ in danger under your government.’

To which her Majesty returned the following
 answer.

My Lords,

I Return you most hearty thanks for your very affec- The Queen's
answer.
 tionate address.

*You who are nearest the throne, will, first of all my
 subjects, feel the evil consequences of any diminution of
 the regal dignity.*

*It is a great comfort to me, that I have your assu-
 rance of support.*

*Depend upon it, I will never give way to the least
 attempt, either on the just authority of the crown, or
 on your rights and privileges.*

The Commons, as was said before, being, on
 the second of *March*, returned to their house, and
 their Speaker having reported her Majesty's speech,
 Mr. *Gore* moved, that an humble address be pre-
 sented to her Majesty, to return the humble thanks
 of that house, for her most gracious speech, and ac-
 cording to the *several heads of it*; which was re-
 solved accordingly, without any opposition. A
 worthy

worthy member only suggested, *That they ought not to act by a spirit of divination, and return thanks for the treaty of commerce with Spain, before they knew whether the same was advantageous or no*; which occasioned some modification in the address, as to that head.

On the 4th of *March*, Mr. *Gore* reported the said address to the house, and the same being agreed to, was, the next day, presented to the *Queen*, as follows:

Most gracious Sovereign,

The Commons address to the Queen.

WE your Majesty's most dutiful and loyal subjects, the Commons of *Great-Britain* in Parliament assembled, do, with all humility, return our sincere and hearty thanks for your Majesty's most gracious speech from the throne.

We beg leave to assure your Majesty, as nothing could be more afflicting to your people, than the indisposition of the best of Sovereigns; so nothing has ever been an occasion of greater joy and satisfaction to them, than your Majesty's late happy recovery.

We congratulate your Majesty on the conclusion of the treaties of peace and commerce with *Spain*, whereby your Majesty is pleased to declare, that you have procured new benefits to your subjects: But your royal care hath not been confined to your own people; it hath been extended to all your allies. And your Majesty's goodness must be for ever admired, that notwithstanding any discouragements you may have met with, you are pleased still to continue your endeavours to make the peace universal, and thereby to compleat the settlement of *Europe*; and your faithful Commons will never be wanting in an hearty concurrence to assist your Majesty in all such measures.

‘ fures as your Majesty shall judge proper to finish
‘ a design, so great and so glorious.

‘ Your Commons will with all chearfulness grant
‘ such supplies as are necessary for the current service,
‘ and for the discharge of such debts as are just and
‘ reasonable ; they can never sufficiently express the
‘ sense they have of their happiness of being deliver-
‘ ed from the calamities of a consuming war, they
‘ will therefore (in duty to your Majesty, and in
‘ justice to those they represent) do all that is in
‘ their power, that the good effects of peace may
‘ not be obstructed by any intestine divisions : They
‘ will, as far as in them lies, disappoint the designs
‘ of malicious and unreasonable men : They will on
‘ all occasions shew their just abhorrence of the li-
‘ centious practices in publishing scandalous papers,
‘ and spreading seditious rumours. And as your
‘ Commons will always support and maintain the
‘ protestant succession in the house of *Hanover*, they
‘ cannot but be astonished at the malicious insinua-
‘ tions of any who would suggest that succession to
‘ be in danger, under your Majesty’s most auspicious
‘ government. For when we consider that it is se-
‘ cured by the greatest obligations civil and sacred,
‘ by acts of Parliament, oaths and treaties, we can-
‘ not but declare our entire acquiescence in these
‘ securities, and must look upon such insinuations to
‘ be groundless in themselves, and affronting to
‘ your Majesty and your government.

‘ And your Majesty may depend, that your
‘ loyal Commons will never be prevailed on by any
‘ pretences whatsoever, to countenance attempts
‘ that may tend to weaken your Majesty’s autho-
‘ rity, and to render the possession of the crown
‘ uneasy to you, which can only proceed from the
‘ rage of a disappointed faction, and the spirit of
‘ rebellion.’

To this address the Queen returned the following answer.

The Queen's
answer.

THIS address is so dutiful, and expresses so fully the sense of my loyal subjects, that I esteem it as a proof of the good choice they have made of you to represent them.

I give you my hearty thanks for it.

The confidence you have in my affection, the abhorrence you declare of the malicious insinuations of the protestant succession being in danger under my government, and your acquiescence in the present securities for it, are very suitable returns for the tender regard I have always had for what concerns my people, and will most effectually, by the blessing of God, unite the minds of my subjects, and disappoint the designs of those who would disturb the present tranquillity.

The Speaker having, on the 6th of March, reported this answer to the Commons, it was resolved to return her Majesty the humble thanks of the house for the same.

Complaint
in the house
of Lords
against a
libel called
*The public
spirit of the
Whigs.*

On the second of March, the Earl of Wharton made a complaint in the house of Lords against a scandalous libel, entitled, *The PUBLIC SPIRIT of the WHIGS, set forth in their generous encouragement of the author of the CRISIS, with some observations on the seasonableness, candour, erudition, and style of that treatise.* Printed for John Morphew, near Stationers-Hall, 1714.

* Page 22,
& seq.

I shall only insert here the passage that gave most offence to the Lords, which is as * follows:

This work, (meaning the union of the two kingdoms) he tells us, was unsuccessfully attempted by several of her Majesty's predecessors; though I do not remember it was ever thought on by any, except

cept King *James I.*, and the late King *William*.
I have read, indeed, that some small over-
tures were made by the former of these Princes
towards an *Union* between the two kingdoms, but
rejected with *indignation* and *contempt* by the
English. And the historian tells us, that how de-
generate and corrupt soever the *Court* and *Parlia-*
ment then were, they would not give ear to so in-
famous a proposal. I do not find that any of the
succeeding Princes before the *revolution* ever re-
sumed the design; because it was a project for
which there could not possibly be assigned the least
reason or necessity: For I defy any mortal to
name one single *advantage* that *England* could
ever effect from such an *Union*. But towards the
end of the late King's reign, upon apprehension of
the want of issue from him, or the Princess *Anne*,
a proposition for uniting both kingdoms was be-
gun, because *Scotland* had not settled their crown
upon the house of *Hanover*, but left themselves at
large, in hopes to make their advantage: And it
was thought highly dangerous to leave that part
of the island inhabited by a *poor fierce northern*
people, at liberty to put themselves under a diffe-
rent King. However, the opposition to this
work was so great, that it could not be overcome
till some time after her present Majesty came
to the crown; when by the *WEAKNESS* or
CORRUPTION of a *certain Minister*, since dead,
an act of Parliament was obtained for the *Scots*,
which gave them leave to arm themselves, and so
the *Union* became necessary; not for any actual
good it could possibly do us, but to avoid a pro-
bable evil; and at the same time, save an *obnoxious*
Minister's head, who was so wise, as to take the
first opportunity of procuring a general pardon by
act of Parliament, because he could not with so
much decency or safety desire a particular one for

‘ himself. These facts are well enough known to
 ‘ the whole kingdom ; and I remember, discoursing
 ‘ above six years ago with the most considerable
 ‘ person of the adverse party, and a great promoter
 ‘ of the Union, he frankly owned to me, that this
 ‘ necessity brought upon us by the *wrong manage-*
 ‘ *ment* of the Earl of Godolphin, was the *only cause* of
 ‘ *the Union*.

‘ Therefore I am ready to grant two points to
 ‘ the author of the *Crisis* : *First*, that the Union be-
 ‘ came necessary for the cause above related ; be-
 ‘ cause it prevented the island from being governed
 ‘ by two Kings, which *England* would never have
 ‘ suffered ; and it might probably have cost us a
 ‘ war of a year or two to reduce the *Scots*. *Second-*
 ‘ *ly*, that it would be dangerous to break this *Union*,
 ‘ at least in this juncture, while there is a *Pretender*
 ‘ abroad, who might probably lay hold of such an
 ‘ opportunity. And this made me wonder a little
 ‘ at the spirit of faction last summer, among some
 ‘ people, who having been the *great promoters* of
 ‘ the *Union*, and several of them the PRINCIPAL
 ‘ GAINERS by it, could yet proceed so far, as to
 ‘ propose in the house of Lords, *that it should be dis-*
 ‘ *solved* ; while at the same time, those Peers who
 ‘ had ever opposed it in the beginning, were then
 ‘ for preserving it, upon the reason I have just as-
 ‘ signed, and which the author of the *Crisis* hath
 ‘ likewise taken notice of.

‘ But when he tells us, *The Englishmen ought, in*
 ‘ *generosity, to be more particularly careful in preserving*
 ‘ *this Union*, he argues like himself. *The late king-*
 ‘ *dom of Scotland*, (saith he) *had as numerous a no-*
 ‘ *bility as England*, &c. They had, indeed, and
 ‘ to that we owe one of the great and NECESSARY
 ‘ EVILS of the *Union* upon the foot it now stands.
 ‘ Their nobility is indeed so numerous, that the
 ‘ whole *revenues of their country*, would be hardly
 ‘ able

able to maintain them, according to the dignity of their titles, and what is infinitely worse, they are never likely to be extinct, till the last period of all things, because the greatest part of them descend to heirs general. I imagine, a person of quality prevailed on to marry a woman much his inferior, and without a groat to her fortune, and her friends arguing, she was as good as her husband, because she brought him as numerous a family of relations and servants, as she found in his house. Scotland in the taxes is obliged to contribute one penny for every forty pence laid upon England; and the representatives they send to Parliament are about a *thirteenth*: Every other Scotch Peer has all the privileges of an English one, except that of sitting in Parliament, and even precedence before all of the same title that shall be created for the time to come. The pensions and employments possessed by the natives of that country now among us, do amount to more than the whole body of their nobility ever spent at home; and all the money they raise upon the public is hardly sufficient to defray their civil and military lists. I could point out some with great titles, who affected to appear very vigorous for dissolving the Union, though their whole revenues, before that period, would have ill maintained a WELCH JUSTICE of the peace; and have since gathered more money than ever any Scotchman, who had not travelled, could form an idea of.

Though this satire was mainly levelled against the Duke of Argyle, who of late had broken all measures with the Ministry, yet it was generally looked upon as very impolitic and ill-timed; since the sixteen Scotch Peers, who sat in the house of Lords, and who at least there, were the principal support of those at the helm, were involved in

the general reflections against the *Scotch* nation. However, either the author, or his patrons, having, a few days after the publication of that *libel*, foreseen the offence it would give to the *Scotch* Peers, it was thought fit to *cancel* the leaves, in which the *scandalous reflections* above-mentioned were contained, and to let the rest go abroad, with a new title.

But the first publication having done the *mischief*, and the complaint made by the Earl of *Wharton* being warmly espoused by the majority of the house of Peers, the Lord High Treasurer protested he knew nothing of that pamphlet; exclaimed against the malicious insinuations contained in it; and readily joined with the house in an order for committing *John Morphew*, the publisher, to the custody of the *black-rod*. Mr. *Morphew*, upon his examination, having declared, that an unknown porter had brought to his house the copies of the pamphlet in question, from the house of *John Barber*, printer of the *Gazette*, and of the votes of the house of Commons; the said *John Barber* was also ordered in the custody of the *black-rod*; and both he and *Morphew*, were, on *Friday*, the 5th of *March*, severally examined at the bar of the Lords house. Mr. *Morphew* made the former declaration, and owned the publishing and selling of that libel, but Mr. *Barber* said, he knew nothing of it; and insisted *not to answer any questions, the answer to which might tend to accuse himself, or to corroborate the accusation against him.* They being withdrawn, a noble Peer said, they had nothing to do either with the publisher or printer, but that it highly concerned the honour of that august assembly to find out the *villain*, who was the author of that *false and scandalous libel*, in order to do the *Scotch* nation justice: And thereupon moved, that in order to that discovery, *Barber* might be again examined

mined the next day, together with his journey-men and servants: The same was readily agreed to; but, on the 6th of *March*, the Earl of *Marr*, one of her Majesty's principal Secretaries of state, acquainted the house, that he had already ordered *John Barber* to be prosecuted, which put a sudden stop to all farther enquiries about that matter, in a *Parliamentary way*. Three days after, *Barber* and *Morpheuw* were, upon their humble petition, enlarged from the custody of the *black-rod*; and the same day the Lords resolved upon an address to the Queen about that matter; which was reported and agreed to on the 11th of *March*, and on the 15th presented to the Queen as follows:

‘ **W**E your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in Parliament assembled, beg leave humbly to represent to your Majesty, that we have begun our endeavours to suppress seditious papers (which your Majesty was pleased to take notice of in your most gracious speech from the throne) by applying ourselves to discover the author, printer, and publisher of a pamphlet, intituled, *The public spirit of the Whigs, set forth in their generous encouragement of the author of the Crisis, with some observations on the seasonableness, candour, erudition, and style of that treatise*. London, printed for John Morpheuw near Stationers-Hall, 1714. Which we conceive to be a false, malicious, and factious libel, highly dishonourable and scandalous to your subjects of *Scotland*, tending to the destruction of the constitution, and (by making false and unjust reflections upon the Union, and the steps and motives to it) most injurious to your Majesty, who have been pleased often to declare from the throne, that the Union of the two kingdoms is the peculiar happiness of your reign, in making a full provi-

Address of
the Lords to
the Queen
thereupon.

' fion for the peace and quiet of your people, and
 ' the security of our religion, by so firm an esta-
 ' blishment of the *protestant* succession throughout
 ' *Great-Britain*: It appeared to us by the confession
 ' of the said *John Morphew* at our bar, that he pub-
 ' lished, sold, and dispersed that libel; and by the
 ' examination of several witnesses on oath, that the
 ' same was printed by *John Barber*, a printer, who
 ' at the time of the printing the said seditious libel,
 ' was, and yet is intrusted with printing the
 ' *Gazette*; but the said *John Barber*, in his exami-
 ' nation, insisting not to answer any questions, the
 ' answer to which might tend to accuse himself, or
 ' to corroborate the accusation against him, we have
 ' not as yet been able to discover the author of the
 ' said libel, or who brought the written copy there-
 ' of to be printed. And therefore that nothing
 ' may be wanting on our parts, towards the disco-
 ' vering and punishing so GREAT a CRIMINAL;
 ' as we take the author of the said libel to be,
 ' we do most humbly beseech your Majesty, that
 ' your Majesty will be graciously pleased to issue
 ' your royal proclamation, with a promise therein
 ' of such a reward as your Majesty shall, in your
 ' royal wisdom, think fit, to any person who shall
 ' discover and make due proof against the author
 ' or authors of the said libel; as also your Majesty's
 ' most gracious pardon to such person or persons
 ' as shall make such discovery, of all crimes and
 ' misdemeanours committed in relation to the print-
 ' ing, publishing, and dispersing the said libel.'

To this address the Queen was pleased to return
this answer.

My Lords,

I Thank you for the concern you shew for suppressing
all seditious libels.

And

And have given orders for a proclamation according as desired.

Accordingly, the same day, the Queen ordered a proclamation to be published, containing the suggestions of the Lords address, and promising a reward of the *sum of three hundred pounds for discovering the author of a false, malicious, and factious libel, entitled, The publick spirit of the Whigs, &c. Which the Lord High Treasurer was thereby directed to pay.*

On the 11th of *March*, a bill was ordered to be brought in for securing the freedom of Parliaments, by limiting the number of Officers in the house of Commons: After which it was moved to take into consideration that part of her Majesty's speech to both houses of parliament, which related to the suppressing seditious libels and factious rumours. This motion being levelled at *Richard Steele*, Esq; a member represented, That that Gentleman having the honour to be a member of that house, they ought not to fall upon him, while he was absent, and thereupon it was resolved, to put off the consideration of that matter till the *Saturday* following. The next day (being *Friday, March* the 12th) Mr Auditor *Foley* made a complaint to the house of three printed pamphlets, 'one entitled, *The Englishman*, from *Saturday, January* the 16th, to *Tuesday, January* the 19th, 1713-4, wherein is a printed letter to the *Englishman*, to which is subscribed the name *Richard Steele*: Another entitled, *The Crisis*; in the title page whereof it is said, by *Richard Steele*, Esq; and the other entitled, *The Englishman, being the close of the paper so called*; in the title page whereof it is also, by *Richard Steele*, Esq; as containing several paragraphs tending to sedition, highly reflecting upon her Majesty, and arraigning her administration ' and

Bill to limit the number of Officers in the house of Commons.

Complaint against Mr Steele.

‘and government.’ Which pamphlets being brought up to the table, it was ordered that *Richard Steele*, Esq; a member of that house, should attend in his place next morning.

Mr Steele allowed four days to prepare for his defence.

Mr Steele attending in his place, according to order, on *Saturday, March* the 13th, several paragraphs in the printed pamphlets, complained of the day before, were read: And Mr Steele desiring time till *Thursday* next, to be heard touching the same, the further consideration of the said pamphlets, was ordered to be adjourned to that day. The same day, the consideration of that part of her Majesty’s speech, relating to libels, was put off till that day se’nnight.

Mr Steele’s motion about the papers relating to *Dunkirk* carried in the negative.

On *Monday* the 15th of *March*, Mr Steele moved, and the question was proposed, ‘that an humble address be presented to her Majesty, that she would be pleased to give directions, that the several representations of her Majesty’s Engineers and Officers, who have had the care and inspection of the demolition of *Dunkirk*, and all orders and instructions given thereupon, might be laid before the house.’ But the previous question being put, whether that question be now put, it was carried in the negative, by 214 voices against 109.

Mr Steele’s case in the house of Commons.

March 18th, the order of the day being read, for taking into further consideration the printed pamphlets, complained of to the house, intituled, *The Englishman*, from *Saturday, January* 16, to *Tuesday, January* the 19th, 1714. *The Englishman being the close of the paper so called; and the Crisis; as containing several paragraphs, tending to sedition, highly reflecting upon her Majesty, and arraigning her administration and government: And Mr Steele appearing in his place, owned he wrote and published the said pamphlets, and the several paragraphs therein, which had been complained of, and read to the house, WITH THE SAME CHEARFULNESS AND SATISFACTION,*

FACTION, WITH WHICH HE HAD ABJURED THE PRETENDER. Then a debate arising upon the method of proceeding, Mr Auditor *Foley* proposed, that Mr *Steele* should withdraw; but after several speeches it was carried, without dividing, that he should stay, in order to make his defence. He desired that he might be allowed to answer what might be urged against him paragraph by paragraph; but though he was powerfully supported by Mr *Walpole*, General *Stanhope*, the Lord *Finch*, (eldest son to the Earl of *Nottingham*) and the Lord *Hinchinbrooke*, son to the Earl of *Sandwich*, yet Mr *Steele*'s accusers insisted, and it was carried, *That he should proceed to make his defence, generally, upon the charge given against him.* Mr *Steele* proceeded accordingly to make his defence; and, for near three hours, spoke to the several heads extracted out of the three Pamphlets above-mentioned, (which had been printed, and given to all the members) with such a temper, modesty, unconcern, easy and manly eloquence, as gave entire satisfaction to all, who were not inveterately prepossessed against him.

Mr *Steele* being withdrawn, and candles ordered to be brought in, most members expected, that Mr Auditor *Foley* would have summed up, and answered Mr *Steele*'s defence, paragraph by paragraph; but he contented himself with saying, in general, 'That, without amusing the house with
' long speeches, it was plain, that the writings that
' had been complained of, were seditious, and scandalous, injurious to her Majesty's government, the
' church, and the universities, and moved that the
' question should be put thereupon.' This occasioned a very warm debate, that lasted till eleven o'clock at night: *Robert Walpole*, Esq; who spoke first in favour of Mr *Steele*, made a very long and most eloquent speech, wherein he went to the bot-

Mr *Foley*'s
speech.

tom

tom of the affair ; shewed, ‘ that this violent prosecution, struck at the liberties of the subject, in general, and of the members of that house, in particular ; justified Mr *Steele*, on all the heads of the accusation raised against him ; and said, he hoped the house would not sacrifice one of their members, to the resentment and rage of the *Ministry*, for no other crime, than his exposing their notorious mismanagements ; and, like a good patriot, warning his countrymen against the imminent dangers, with which the nation in general, and, in particular, her Majesty’s sacred person, were threatened, by the visible encouragement that was given to the *Pretender*’s friends. If a *papist* (said he) nay an *Irish papist*, who for many years has been a servant to the late King *James*, and the *Pretender*, (meaning Sir *Patrick Lawless*) one who has borne arms against her Majesty in *France* and *Spain* ; one who is strongly suspected, of having embued his hands in the blood of the late Duke of *Medina Celi*, and Marquess of *Leganez* : If, said he, such a man be not only permitted to come into *England*, but to appear at court, in the presence chamber : If he be caressed by the Ministers : Nay, I speak it with horror, if such a man be admitted to her Majesty’s private audience in her closet, will not every good subject think her Majesty’s person in danger ? And is it then a crime in Mr *Steele*, to shew his just concern, for so precious a life.’

As to that passage of Mr *Steele*’s *Crisis*, wherein he says, That a late treasonable book, on the succession of hereditary right, has published the will of King Henry the eighth, which seems to be intended as a pattern for the like occasion. And a little lower, Let those who act under the present settlement, and yet pretend to dispute for an absolute hereditary right, quiet themselves with the arguments they have borrowed

rowed

rowed from popery : Mr *Walpole* said, ‘ It could not be denied, that the Lord Treasurer was the patron of learned men, for whose use and improvement, he had set up a fine library ; and that it appeared by the book called, the *hereditary right of the crown of England asserted*, &c. that the author had free access to that library, and had drawn very material passages out of some manuscripts in it. But that the Lord Treasurer’s care, to supply him with materials towards that work, went yet further, since his Lordship had employed a man to look among old musty papers, the *will and testament of King Henry VIIIth*, which the said author had inserted at length in the *appendix* to his book. That he appealed to Mr *Lowndes*, a member of the house, and Secretary to the treasury, whether he had not paid, by the Lord Treasurer’s order, 12 or 14 *l.* to the person that had made that great discovery ; but that in case he should deny it, he had evidence to prove it.’ Mr *Lowndes*, seemed not to deny the fact : He only said, that *Will* was not so rare a piece, since it was to be seen in a place he named, in *Westminster-Abbey*.

Mr *Walpole* mentioned three points, in which he endeavoured to prove the peace had been already broke. ‘ The first, he said, was the demolition of *Dunkirk*, which ought to have been finished five months after the signing of the treaty : But that instead of that, the *French* had yet, only pulled down part of the outward fortifications, without touching the foundations ; which on the one hand, rendered the *English* garrison useless, and exposed to any insults ; and, on the other hand, would afterwards make it easy for the *French* to restore and rebuild those fortifications ; which was the more probable to be in their thoughts, since instead of ruining the harbour, they

' they were actually repairing the sluices, and work-
 ' ing on a new canal. That the second point, was
 ' the *renunciations* of the Princes of the house of
 ' *Bourbon*, which were laid down as the foundation
 ' and basis of the peace, on pretence that thereby
 ' the crowns of *France* and *Spain* will be more di-
 ' vided than ever: But that supposing, (what he
 ' could not by any means grant) that those renun-
 ' ciations were to be depended upon, they were yet
 ' conditional, and supposed the Emperor's *renun-*
 ' *ciation* to the crown of *Spain*: And therefore,
 ' as no care had been taken to engage his imperial
 ' Majesty to agree to that necessary condition, so
 ' the renunciations of the Princes of the house of
 ' *Bourbon*, became thereby not binding, or void.
 The third instance which Mr *Walpole* gave of the
 violation of the peace, was the *French King's* ordi-
 nance, dated *September 18th, N. S. 1713. Forbid-*
ding the children of French refugees, though born out of
his dominions, to come into them, without his permission,
upon pain of being sent to the galleys. Mr *Walpole*
 represented, ' That the said ordinance was against
 ' natural right, and the law of nations, and, in
 ' particular, derogatory from the rights and liber-
 ' ties of the *British* nation, which the children of
 ' the refugees born in *England*, were intituled to
 ' enjoy, as well as the other natives. That he
 ' would adventure to say in their behalf, that it
 ' were to be wished, that all who have the happi-
 ' ness to be born in *England*, were as good *English-*
 ' *men* as the sons of the refugees; and that the
 ' *British* nation, was the more concerned in having
 ' that ordinance repealed, in that the refugees and
 ' their children, were the fittest to carry on a
 ' trade with *France*.

Mr *Horatio Walpole* backed, what his brother
Robert said in favour of the *French* refugees; and
 ' deplored the lamentable condition of their Mini-
 ' sters and the poor amongst them, to whom the
 ' Lord

Lord Treasurer, had not paid one penny of the 15000 *l. per annum*, voted by Parliament, and allowed in the civil list, towards their subsistence and relief, since he came into his office.' He said to that purpose, ' That some amongst them, suffered now more in *England*, than they did during the persecution in *France*; since there were always some charitable people who relieved them while they were in prisons and dungeons, whereas here they were let to starve.'

My Lord *Finch*, backed also Mr *Robert Walpole*, and gave early pregnant proofs, of the eloquence hereditary in his noble family; his Lordship, among other things, endeavoured to justify Mr *Steele*, with relation to the *nicest* and *tenderest* part of the charge against him, *viz.* His *third wish*, in the close of his last *Englishman*, *That his electoral highness of Hanover, would be so grateful as to signify to all the world, the perfect good understanding he has with the court of England, in as plain terms, as her Majesty was pleased to declare she had with that house, on her part.*

He said thereupon, ' That supposing there were in this wish, some injurious insinuation, yet the same, could not, without injustice, be applied to the Queen, but only to her Ministers: That nobody doubted the good understanding between her Majesty and the house of *Hanover*, but that it was notorious, that the Ministers shewed no great regard to that illustrious house, witness, (to pass over other instances) the slight they put upon the Baron *Bothmar's* memorial; which the Queen had, perhaps, never seen, had not the Duchess of *Somerset*, shewed it her Majesty in print, in the *Daily Courant*.' My Lord *Finch* likewise justified Mr *Steele*, in relation to his reflections on the *peace*: ' We may, said his Lordship, give it all the fine epithets we please; but epithets do not change the nature of things. We may, if we please, call it
' here

‘ here *honourable*; but I am sure it is accounted
 ‘ *scandalous* in *Holland, Germany, Portugal*, and
 ‘ over all *Europe*, except *France* and *Spain*. We
 ‘ may call it *advantageous*, but all the trading part
 ‘ of the nation, find it to be otherwise: And if it
 ‘ be really *advantageous*, it must be so only to the
 ‘ Ministry that made it.’ Sir William Wyndham
saying thereupon, ‘ That the Ministry would not say
 ‘ that the peace was *advantageous* to them:’ *The*
Lord Finch very smartly replied, ‘ Then it was plain
 ‘ it was *advantageous* to no body.’

My Lord Lumley, son to the Earl of Scarborough,
 my Lord Hinchinbroke, and some other members,
 spoke with a great deal of vivacity in favour of
 Mr Steele, and against the conduct of the Ministry:
 But Mr Auditor Foley, Sir William Wyndham, the
 Attorney-General, and some other courtiers, being
 supported by a great majority, which in popular
 assemblies and consultations, generally supplies the
 want of arguments, still insisted on the question, so
 that at last, it was carried by 245 voices, against
 152, *First*, ‘ That a printed pamphlet, entituled,
 ‘ *The Englishman, being the close of the paper so*
 ‘ *called*, and one other pamphlet, entituled, *The*
 ‘ *Crisis*, written by Richard Steele, Esq; a member
 ‘ of this house; are scandalous and seditious libels,
 ‘ containing many expressions highly reflecting up-
 ‘ on her Majesty, and upon the nobility, clergy,
 ‘ gentry, and universities of this kingdom, mali-
 ‘ ciously insinuating, that the *protestant* succession
 ‘ in the house of *Hanover* is in danger under her
 ‘ Majesty’s administration, and tending to alienate
 ‘ the affections of her Majesty’s good subjects, and
 ‘ to create jealousies and divisions among them.
 ‘ *Secondly*, that Richard Steele, Esq; for his offence
 ‘ in writing, and publishing the said scandalous and
 ‘ seditious libels, be expelled this house.’

Mr Steele
 expelled the
 house.

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It is observable that two *Scotch* Members only spoke in this long debate, viz. Mr *Baillie*, and Sir *James Stuart*, Judge Advocate in *North-Britain*. The first said, ' he was little acquainted with the ' affairs of *England*, but had made it his business, to ' know those of his own country ; and that, by all ' the observations he could make for some years past, ' they who appeared the most zealous for the *Pretender's* interest, were the most favoured and countenanced, by those in power.' This was confirmed by Sir *James Stuart*, who added, ' That to his ' certain knowledge, three or four thousand pounds ' had been yearly remitted to the *highland* clans, ' whose chiefs, and the men under their command, ' were known to be entirely devoted to the *Cherry-valier*.' By all this it appears, that this affair gave the enemies of the present Ministry a handle to rip up several things, which, had it not been for this prosecution, had, perhaps, never been mentioned in the house of Commons : And which, being spoken in the hearing of several lords, occasioned the like reflections, and stricter enquiries, in the house of Peers.

On *Wednesday*, the 17th of *March*, the Lords took into consideration the state of the nation, and the Earls of *Wharton*, *Nottingham*, and *Sunderland*, the Lords *Cowper*, *Hallifax*, and some others, having represented the danger that threatned the *protestant* succession, in the electoral house of *Hanover*, by reason of the *Pretender* not being yet removed from *Lorrain*, and the ill condition the affairs of *Europe* were left in by the late treaties of peace, moved, that addressees be presented to her Majesty, that the proper Officers might be directed to lay before the house, *First*, ' An account of what steps ' had been taken for removing the *Pretender* from ' the dominions of the Duke of *Lorrain*, pursuant ' to the addressees of both houses of last Parliament ; ' and what answers had been given to her Majesty,

The Lords consider the state of the nation.

‘ or any of her Ministers, by the Duke of *Lorrain*,
 ‘ or any of his Ministers. *Secondly*, An account of
 ‘ the negociations of peace, what measures had
 ‘ been taken to render the peace universal, and
 ‘ what obstructions her Majesty had met therein.
 ‘ *Thirdly*, An account of what instances had been
 ‘ made for restoring to the *Catalans* their ancient
 ‘ privileges, and all letters relating thereunto.
 ‘ *Fourthly*, An account of the moneys granted by
 ‘ Parliament since the year 1710, to carry on the
 ‘ war in *Spain* and *Portugal*.’ Which addressees
 were ordered to be presented to her Majesty, with-
 out any opposition.

The Lord
 Treasurer
 moves for a
 bill against
 foreign
 troops being
 brought into
 the king-
 dom.

After this the Lord High Treasurer moved for
 leave to bring in *A bill for the future security of the
 protestant succession, by making it high treason to bring
 any foreign troops into the kingdom*: At which ma-
 ny Peers were strangely startled and surprized.
 Amongst the rest, the Earl of *Nottingham*, who im-
 mediately perceiving the dangerous drift of that
 motion, represented, ‘ That such a bill might be
 ‘ turned against the guarantees of the protestant
 ‘ succession, and so weaken that happy settlement,
 ‘ for the security of which, the said bill was pre-
 ‘ tended to be intended.’ Hereupon the Lord
Bolingbroke, who found that this bait was disco-
 vered, endeavoured to palliate the matter, with
 saying, ‘ That he doubted not, but the noble Peer
 ‘ who made the motion meant only such foreign
 ‘ troops, as might be brought into the kingdom
 ‘ by the Pretender, or his adherents.’ The Lord
 Treasurer having declared, *this to be his meaning*;
 it was answered, ‘ That, in that case, such a bill
 ‘ was altogether unnecessary, since such troops were
 ‘ *ipso facto*, either open enemies, if foreigners, or
 ‘ traitors and rebels, if natives.’ The Earl of
Anglesey put an end to the debate, with saying,
 ‘ That the Lord who made the motion, was not
 ‘ acquainted

‘acquainted with the methods of proceeding in that house: For every Peer has the privilege of bringing in what bill he thinks fit; that the Lord Treasurer’s asking leave for it, was but a compliment to the house; and therefore when he had brought in the said bill, it would be then a proper time to consider of it.’ Hereupon the said motion was dropped. The same day a noble Lord reflected on the Bishop of *Sarum*’s preface to his *Pastoral care*: But that prelate offering to vindicate himself, no further notice was taken of it.

His motion
stopped.

Two days after, the Lords resumed the consideration of the state of the nation, upon which there was a debate, that lasted till 5 o’clock in the evening. Several *Whig* Lords spoke again in favour of the *Catalans*, and insisted, ‘That the house ought strictly to examine how that poor people came to be abandoned, after they had been solicited, and drawn in to declare for the Emperor.’ The Earl of *Anglesey* seeing the Ministry thus vigorously attacked, endeavoured to ward off the blows, by saying, ‘That for his own part, he was one of the first that appeared against the *late Ministers*, because he was fully convinced of their *mal-administration, corruption, avarice, and unbounded ambition*. That he would, in like manner, be one of the first that should attack the *present Ministers*, if he thought them guilty of the same faults; but as he had observed that it was merely out of spleen, and envy, that some persons were for enquiring into the conduct of patriots, who had given signal proofs of their zeal for the publick good, he was of opinion, that they ought to examine into the conduct both of the *late and present Ministers*, that so by comparing one with the other, they might see which had committed less errors.’ However, the *Whig* Lords pursued their point, and in particular, took notice of the danger, both the Queen’s

Further debates in the
house of
Lords.

person, and the protestant succession were in from the great number of out-lawed *Jacobites*, who were permitted to come over from beyond sea: And complained of the favour shewn to the *Pretender's* friends, in granting *noli prosequi's* to some persons, who were under prosecution for writing against the protestant succession. They also animadverted upon the debts of the navy being much increased, though nothing had been done at sea for two or three years past: And the court party having little or nothing to say to these particulars, it was moved, and resolved, to address her Majesty, that she would be pleased to order the proper Officers to lay before the house, ' *First*, An account of the debts and state of the navy. *Secondly*, An account of *noli prosequi's* granted since her Majesty's accession to the throne. *And thirdly*, A list of persons outlawed, attainted, or that had borne arms in the service of her Majesty's, or the late King's, enemies, who had got licences to return into *Great-Britain*, or other her Majesty's dominions, since the year 1688.' After this, upon a motion for *adjourning*, the *Whig* Lords, who designed to follow the chace while the scent lay hot, and vigorously to prosecute the enquiries into the state of the nation, proposed to adjourn only to the *Monday* following. But the Ministry being highly concerned in putting a stop to those troublesome and ungrateful disquisitions, the Lord Treasurer, with a shew of devotion, represented, ' That the solemnity of *Easter's* festival approaching, the next week, ought, according to the primitive institution, and the constant practice of the Church of *England*, to be set apart for works and exercises of piety; and therefore moved to adjourn to *Wednesday* the 31st of *March*.' Being seconded by the Lord *Trevor*, the Earl of *Wharton* said thereupon, ' God forbid he should oppose that noble Lord, who had

‘ had made so pious and religious a motion ; but
 ‘ that he appealed to that venerable bench (point-
 ‘ ing to the Bishops) whether humanity and chri-
 ‘ stian charity did not require it at their hands,
 ‘ not to lose one moment of time, in addressing her
 ‘ Majesty in behalf of the distressed *Catalans*, who
 ‘ were reduced to such an extremity, that the least
 ‘ delay in procuring them relief, might prove their
 ‘ ruin for ever.’ Hereupon it was resolved, with-
 out opposition, to present the said address, and then
 the Earl of *Oxford*’s motion, for adjourning to the
 31st of *March*, was carried in the affirmative by
 66 voices against 43. It is observable that the
 Commons having the day before made an order for
 clearing their house of all strangers, not excepting
 the Peers ; it was moved in the Lords house to be
 even with them by making the like order, with-
 out excepting the Commons : But this was opposed
 by the Duke of *Argyle*, who said, ‘ It was for the
 ‘ honour of that august assembly, to shew that
 ‘ they had more manners and complaisance than
 ‘ the Commons.’

On the 7th of *April*, the Commons resolved to
 address her Majesty, that an account of the present
 state and condition of the navy, might be laid be-
 fore them ; and then unanimously resolved to con-
 sider of the state of the nation with regard to the
protestant succession, that day seven-night : In order
 to which they also resolved to address the Queen,
 ‘ That the letter from the Bishop of *London* to the
 ‘ Baron *de Begue*, Minister of the Duke of *Lorrain*
 ‘ to the *States-General*, concerning the removal of
 ‘ the Pretender, from the dominions of the Duke
 ‘ of *Lorrain*, might be laid before the house.’

Papers about
 the Pretender
 called for.

To this purpose, we may take notice, that some
 time before the Parliament sat, a letter, said to be
 written by the Duke of *Lorrain* to her Majesty,

was handed about first in *manuscript*, and afterwards in print as follows :

Madam,

The Duke
of Lorrain's
letter to the
Queen about
the Cheva-
lier de St
George.

WE could not be more surprized at the addresses of the *British* Parliament, last summer, than with the late remonstrances of your Majesty's Ministers at *Utrecht*, in relation to the removal of the *Chevalier de St George*, from the dominions of *Lorrain*. Before we would absolutely comply with the request of the most Christian King in that affair, the profound respect we have for your Majesty, and the tender regard we have for your quiet, made us apprehensive of giving the least uneasiness to your Majesty. But when we are assured, on the contrary, that this expedient would be highly agreeable to all sides, as the only means to remove one of the chief obstacles to the general peace of *Europe*, so much wanted and desired : Proud of so great an honour, we could no longer refrain from opening our arms, to receive a Prince, the most accomplished, the most virtuous, and most *amiable of human race*, who only wants to be seen to be *admir'd*, and known to be *almost adored* ; whose magnanimity in his sufferings, renders him worthy his high birth, besides his other great and commendable qualities, which confess the royal blood that flows in his veins.

We therefore hope your Majesty, and the *British* nation, will not take in ill part, that we cannot comply with a demand, so inconsistent with our own honour and the laws of *hospitality* ; that after our protection once given, we should voluntarily abandon to the rage of his enemies, an innocent distressed Prince, who knows no crime, but being born the last HEIR MALE to that illustrious family, which for several ages has given so many great Monarchs to the world, amongst the rest
‘ your

‘ your Majesty, of whose heroic virtues he is a happy imitator, and whose conspicuous and great actions, have reflected as much lustre as you have received from your noble and truly royal progenitors. That God Almighty would take your Majesty into his holy protection, is the ardent wish of,

M A D A M,

Your Majesty's, &c.

This letter, which, (though with different views) was dispersed with equal industry by both parties, together with some other circumstances, wonderfully increased the fears and jealousies of the well affected to the most serene house of *Hanover*; and occasioned various reflections on the present administration, in both houses of Parliament, particularly in the house of Peers.

Their Lordships being met again on the 31st of *March*, the Lords with white staves acquainted the house, that the Queen had been pleased to order the papers, for which they had addressed her Majesty, to be laid before them, but that it required some time to transcribe the same: Upon which the house adjourned to *Friday* the 2d of *April*. That day, several papers relating to the *Catalans* were read; after which the Earls of *Wharton* and *Sunderland*, the Lords *Hallifax*, *Cowper*, and some others, represented that the crown of *Great-Britain* having drawn in the *Catalans*, to declare for the house of *Austria*, and engaged to succour and support them, those engagements ought to have been made good. To this the Lord *Bolingbroke* answered, ‘ That her Majesty had used all her endeavours to procure to the *Catalans*, the enjoyment of their ancient liberties and privileges; but that, after all, the engage-

Proceedings
in the house
of Peers.

Debate a-
bout the *Ca-
talans*.

'ments her Majesty was entered into, subsisted no
 'longer, than while King *Charles* was in *Spain*; but
 'that Prince being advanced to the Imperial dig-
 'nity, and having himself abandoned the *Catalans*,
 'her Majesty could do no more than to interpose
 'her good offices in their behalf; which she had
 'not been wanting to do.' To this it was replied,
That God Almighty had put more effectual means into
her Majesty's hands: And after some other speeches,
 the Lord *Cowper* moved for an address to her Ma-
 jesty, importing, 'That her Majesty's endeavours
 'for preserving to the *Catalans* the full enjoyment
 'of their ancient liberties, having proved *ineffectual*,
 'their Lordships made it their humble request to
 'her Majesty, that she would be pleased to continue
 'her interposition, in the most pressing manner, in
 'their behalf.' None of the Peers opposed this
 motion; only the Lord Chancellor, in order to ju-
 stify all that had been done by the Ministry, said,
 'Their address would be more grateful to her
 'Majesty, if the word *ineffectual* was left out, and
 'if they should *thankfully* acknowledge her Maje-
 'sty's endeavours in favour of the *Catalans*.' Which
 was approved, and a Committee was appointed to
 draw up the said address accordingly.

The next day, the address was read and agreed
 to; and in the afternoon presented to her Majesty
 as follows:

WE your Majesty's most dutiful and loyal
 subjects, the Lords spiritual and temporal
 in Parliament assembled, having taken into consi-
 deration, the several papers your Majesty was most
 graciously pleased to order to be laid before this
 house, in pursuance of our humble address, of the
 seventeenth day of *March* last, that your Majesty
 would be pleased to order an account to be laid
 before

before this house, of what endeavours had been used, that the *Catalans* might have the full enjoyment of their antient liberties and privileges; did with the utmost thankfulness to your Majesty, and satisfaction to ourselves, observe the repeated and earnest endeavours of your Majesty, for preserving to the *Catalans*, the full enjoyment of all their just and antient liberties; and that although it appears by the treaty of peace with *Spain*, that the King of *Spain* has hitherto not been induced to agree with your Majesty's interposition in their behalf, but insists that they shall come under the condition of his subjects of *Castile*, there is yet room for your Majesty's further interposition, for securing to that people, those liberties, which cannot but be very valuable to them: We do therefore make it our most humble and earnest request to your Majesty, that your Majesty would be graciously pleased to continue your interposition in the most pressing manner, that the *Catalans* may have the full enjoyment of their just and antient privileges continued to them.

Her Majesty's answer was as follows.

My Lords,

I Heartily thank you for this address, and the satisfaction you express in the endeavours I have used for securing to the Catalans their just liberties.

At the time I concluded my peace with Spain, I resolved to continue my interposition, upon every proper occasion, for obtaining those liberties, and to prevent, if possible, the misfortunes, to which that people are exposed by the conduct of those more nearly concerned to help them.

This answer (which however was not made public till the 6th of *April*) occasioned various reflections.

The

The same day, the Lords presented this address, their Lordships read several of the papers that had been laid before them, in relation to the treaties of peace, and resolved to go upon the state of the nation, on *Monday the 5th of April*. Accordingly, that day, several speeches were made, on both sides, in relation to the treaties of peace in general, and to the *protestant succession in the house of Hanover*, in particular. After which the question was put, whether that *succession was in danger under her Majesty's administration*, which occasioned a warm debate, that lasted from two in the afternoon, till almost nine o'clock in the evening. The Lords opposite to the courtiers, struggled hard to have the words *under her Majesty's administration*, left out of the question, out of respect to her Majesty, who, they said, was no ways concerned in it; and if any thing was done amiss, her Ministers alone were accountable for it: But the other side, who had a mind to justify the Ministry, or, at least, to screen them under the Queen's name, insisted, that the words should stand, and that the question should be agreeable to her Majesty's expression, in her speech from the throne, about the same subject; and they being the more numerous, the question was put, as above, and carried in the negative, by a majority of twelve voices, *viz.* of seventy-six against sixty-four. Besides several speeches that were made on both sides, the most remarkable circumstance of this day's debate, was, that his grace the * Archbishop of York, and the Earl of Anglesey, spoke and voted with the *Whig* Lords; which added great weight and strength to that side; the first drawing after him the whole bench of Bishops, three only excepted: And the other being followed by the Earl of Abingdon, and six or seven other temporal Peers, who, like his Lordship, had upon most occasions, voted with the court Lords; so that the victory the latter

* Sir William
Davies.

latter gained, was owing either to the *Scotch* Peers or to the late *creation*: And it was the general opinion, that this seeming *advantage* was, in reality, a kind of real defeat; and that one or two such *victories*, would ruin the conquering party. After the question was carried, as the court Lords would have it, the Lord *Hallifax* moved, 'That an address be presented to her Majesty, that she would be pleased to renew her instances, for the speedy removing the *Pretender* out of *Lorrain*; and that her Majesty would be pleased, in conjunction with the *States-General*, to enter into the guaranty of the *protestant* succession in the house of *Hanover*; and also such other Princes, as her Majesty should think proper.' His Lordship was seconded by the Earl of *Wharton*, who moved besides, 'That in the said address, her Majesty might be desired to put out a proclamation, promising a reward to any person, who should apprehend the *Pretender*, dead or alive.' Which motion was backed by his Grace the Duke of *Bolton*, who moved likewise, 'That the said reward might be suitable to the importance of that service.' No Peer said any thing in opposition to these motions; but it being late, some members cried, *adjourn, adjourn*: But the other side, calling for the question, it was unanimously resolved, that the said address should be presented; and a Committee was thereupon appointed to draw it up. Before this memorable debate began, the Lord *North* and *Grey* moved, that all the strangers that were in the house should withdraw; upon which the Earl of *Wharton* desired, that they might be permitted to stay; and his Lordship was backed by the Duke of *Argyle*: But the noble Peer who made the first motion insisting upon it, all the strangers were obliged to withdraw, except the Baron *Schutz* Envoy extraordinary from *Hanover*, whose standing behind the throne, with the Peers sons, was winked at.

Motion for
setting a
price on the
Pretender's
head.

On

The Lord
Norib and
Grey's speech
against it.

On *Thursday* the 8th of *April*, upon the report of the address before mentioned, some court Lords moved, to *mitigate* the same: And among the rest the Lord *Norib* and *Grey*, made a long speech, wherein he endeavoured to shew, ' the barbarity of ' setting a reward upon any body's head, which, ' he said, was an encouraging of murder and assassination; and how repugnant such a proceeding ' was to *christianity*, the law of nature, and the laws ' of all civilized nations.' To which purpose his Lordship quoted some passages out of *Grotius*, *Puffendorf*, and other learned civilians. He represented in particular, ' how inconsistent such a proceeding was, with the honour and dignity of so ' august an assembly, in a nation and government ' famed for *lenity* and *clemency*; and in the conclusion, said, No man either had more respect ' and affection for the illustrious house of *Hanover*, ' or would do more to serve them, than himself; ' but that they must excuse him if he would not ' venture damnation for them.' *He was backed by the Lord Trevor, who said*, ' That what that noble ' Peer had spoke, was sufficient to shew, how inconsistent such a proceeding was to *christianity*, and ' the civil law; and therefore he would confine ' himself to *our own laws*; and if he knew, or understood any thing of these, he was confident, they ' were as opposite to such proceedings as the *civil law*. That he knew, he did not speak there as a ' lawyer or judge, but as a Peer; but he was so ' fully satisfied of our law discountenancing all such ' proceedings, that if ever any such case should ' come before him, as a Judge, he would think ' himself bound in justice, honour, and conscience, ' to condemn such an *action* as *murder*, and therefore he hoped the supream court of judicature, ' would not make a precedent for encouraging *assassination*.' Little was said in opposition to these two speeches: And so it was moved, *First*, That the

The address
mitigated.

the reward should be, for apprehending and bringing the Pretender to justice, in case he should land, or attempt to land, either in Great-Britain or Ireland. Secondly, That her Majesty should issue her royal proclamation, whenever her Majesty, in her great wisdom, should judge it necessary. Upon a division, these amendments were carried by a majority of ten voices, some of the Lords, who the Monday before voted with the *Whiggs* being for those mitigations; and several Bishops thinking fit, to give their tacit consent to them, by their absence from the house.

The same day, upon a motion made by the Lord *Hallifax*, the Lords resolved to present another address to the Queen, to desire her Majesty, 'That she would be pleased to issue out her royal proclamation, for the putting in execution the laws in force, against all *Jesuits*, *popish Priests*, and *Bishops*, except those belonging to foreign Ministers, as also against all such as bore arms, against the late King *William* and Queen *Mary*, or her present Majesty, &c.' Upon this occasion, some severe reflections were made against those persons, who being out-lawed, for adhering to the late King *James* and the Pretender, had the assurance, and were encouraged not only to come over, but even to appear here with a public character: But the consideration of that affair, was referred to the next day, when the Lords resolved, '1. That no person, not included in the articles of *Limerick*, and who had borne arms in *France* and *Spain*, shall be capable of any employment civil or military. 2. That no person who is a natural-born subject of her Majesty, shall be capable of sustaining the character of public Minister from any foreign Potentate.' These resolutions were undoubtedly made with an eye to Sir *Patrick Lawless*, who having been the Pretender's Envoy at the court of *Madrid*, had come over with a credence from King

Address against *Romish* priests and persons out-lawed.

Votes against persons out-lawed, &c.

King Philip. But upon the noise his being here made in both houses of Parliament, he thought fit to go to *Holland*.

Remittances
to the *Scotch*
clans con-
sidered.

The same day, upon an *occasional reflection* made some days before against the Ministers, for remitting annually about 4000 *l.* to the clans of *Scotland*, as if that sum were designed to keep in heart and discipline the *Pretender's* friends, the Lord Viscount *Townshend* made a motion for taking that affair into consideration. Hereupon, the Duke of *Argyle* made a speech, importing, in substance, 'That the *Scotch Highlanders*, being for the most part, either rank *papists*, or declared *Jacobites*, the giving them pensions, was, in effect, keeping up *papist* seminaries, and fomenting rebellion.' In answer to which the Lord Treasurer, and the Lord Viscount *Bolingbroke*, made it appear, 'That in this particular, they had but followed the example of the late King *William*, who, after he had reduced the *Highlanders* of *Scotland*, thought fit to allow yearly pensions to the chiefs or heads of the *clans*, in order to keep them quiet; and that if the present Ministry could be charged with any mismanagement, on that article, it was only for retrenching and saving part of that *busb-money*.' Nothing being alledged against this apology, the Lord *North* and *Grey*, made a motion for returning the Lord Treasurer the thanks of the house, for his good services; but the Lord *Bolingbroke*, said, he was persuaded, the Lord Treasurer was contented with the testimony of his own conscience, and desired no further satisfaction, than to have his conduct approved by that august assembly: Whereupon, it was unanimously resolved, that the house approved his Lordship's conduct, in that particular.

The Lord
Treasurer's
conduct ap-
proved.

As all weak and unsuccessful attacks of a Minister, do generally but fortify and fix his power; so some persons had reason to repent the pursuing a wrong scent; and, on the other hand, one of the Lord Treasurer's

Treasurer's friends, took that opportunity to say, with a triumphant and insulting air, that having by this time, removed, 'all fears and jealousies about popery and the Pretender, he hoped the enemies of the Ministry would now speedily produce all the objections they had against their conduct, and thereupon his Lordship moved, that a day might be appointed for taking into consideration the state of the nation, in relation to the treaties of peace and commerce.' He was seconded by the Earl of Clarendon, and so the house adjourned to Tuesday, the 13th of April.

The day before, the house of Peers presented to the Queen an address about the Pretender: Which was as follows:

WE your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in Parliament assembled, having a just and tender concern for your Majesty and our country, and being encouraged by that zeal your Majesty has so often expressed from the throne, for the protestant succession in the illustrious house of Hanover, do now presume to renew our most humble application to your Majesty, upon a subject so agreeable to you as this, which is NEAREST YOUR OWN ROYAL HEART; and do humbly beseech your Majesty, that whenever your Majesty, in your great wisdom, shall judge it necessary, you will be graciously pleased to issue your royal proclamation, promising a reward to any person who shall apprehend and bring the PRETENDER to justice, in case he shall land, or attempt to land, either in Great-Britain or Ireland, suitable to the importance of the service, for the safety of your Majesty's person, and the security of the protestant succession in the house of Hanover.

The Lords
address a-
gainst the
Pretender.

We

We also desire leave to express our very great concern, that your Majesty's instances for removing the Pretender out of Lorrain, have not yet had their effect; and do humbly intreat your Majesty, that you will be graciously pleased to insist upon, and renew your instances for, the speedy removing the Pretender out of Lorrain: And likewise that your Majesty will be graciously pleased, in conjunction with the States-General, to desire the Emperor to enter into the guaranty of the protestant succession in the house of Hanover, and also all such other Princes as your Majesty shall think proper.

To which her Majesty returned this answer:

My Lords,

It would be a real strengthening to the succession in the house of Hanover, as well as a support to my government, that an end were put to those GROUNDLESS FEARS and JEALOUSIES, which have been so industriously promoted.

I do not at this time see any occasion for such a proclamation. Whenever I judge it to be necessary, I shall give my orders for having one issued.

As to the other particulars of this address, I will give proper directions therein.

This answer raised the hopes and expectations of the friends to the Chevalier *de St. George*; but the same day, an accident happened, which, as soon as known, cast them into a deeper consternation than they were in before the address against the Pretender was moved for in the house of Peers: the matter of fact was this.

Baron Schutz gives a visit to the Lord Chancellor, and demands a writ for the Duke of Cambridge.

On Monday the 12th of April, in the afternoon, the Baron Schutz, Envoy extraordinary from the Elector of Hanover, made a visit to the Lord High Chancellor, and, among other civilities, acknowledged

knowledge and affection his Lordship had shewn on several occasions, to the most serene electoral house of *Hanover*. The Lord Chancellor told him, 'He was extremely sensible of the honour and justice he did him by his *visit* and *compliment* : And desired him to assure the Elector his master, of his entire devotion to his service ; hoping his electoral highness gave no credit to the false reports that were industriously spread abroad, in order to give him jealousies of her Majesty's Ministers.'

The Baron answered, 'He would not fail discharging so agreeable a commission : *But added*, he had a favour to ask of the Chancellor, in the name of electoral Prince, *viz. That his Lordship would be pleased to make out a writ for his highness's sitting in the house of Peers, as Duke of Cambridge.*'

The Lord Chancellor seemed somewhat surprized at this unexpected demand, but his Lordship told the Baron, 'That it was not usual to make out writs for Peers that were out of the kingdom. However, he would forthwith apply to her Majesty for directions in this case.' *The Baron replied*, 'He did not doubt, his Lordship knew and would perform the duty of his office ; but as to the difficulty of the Duke of *Cambridge's* being out of the kingdom, he might assure him his electoral Highness had resolved to come over very speedily ; and, perhaps, might be landed before the writ was made out.'

At this the Baron taking his leave ; the Lord Chancellor desired him to remember, 'He did not refuse his demand, but only thought it proper to acquaint her Majesty with it, which he would do immediately :'*To which the Baron said*, 'He likewise desired his Lordship to remember, that he had applied himself to his Lordship for the Duke of *Cambridge's* writ :'*And so they parted.* The Lord Chancellor having the same evening acquainted her Majesty, and her chief Ministers, with all that had passed between him and

Which the
Queen in
Council re-
solved to
grant.

the Baron, a Council was immediately called, and having sat from nine o'clock, till after eleven, it was resolved, that the Lord Chancellor should make out a writ for the Duke of *Cambridge*.

This transaction, which, the next morning about noon, was first whispered about in the Court of Requests, cast a sudden damp on the spirits of the *avowed partizans* of the Chevalier *de St. George*, and even on some others, who would not be thought to have affections that way. It was then a *problem*, whether Baron *Schutz* had made that *demand*, by express orders from his master, or only by the advice of such Lords, and other persons, as were supposed to have a more immediate concern for the interests of the most serene house of *Hanover*: But be that as it will, it was the same day reported, by the court-agents, that her Majesty had taken in ill part the Baron's applying himself to the Lord Chancellor, before he acquainted her Majesty with his orders in that matter; and that thereupon her Majesty had forbid him the court, and her Ministers to have any correspondence with him. On *Sunday* the 18th of *April*, in the morning, the master of the ceremonies carried Baron *Schutz* a message, to forbid him the court. However, at the same time, Mr. *Bromley* Secretary of state, sent another message to Monsieur *Kreyenberg*, the Elector of *Hanover's* Resident, to acquaint him, that he might come to court as usual: And two days after, one of her Majesty's Messengers was dispatched to Mr. *Harley* at the court of *Hanover*, undoubtedly with instructions, suitable to the *new scene*, which Baron *Schutz* had opened in *England*. On the other hand, the Baron thought fit forthwith to return to *Hanover*, and so on *Thursday* the 20th of *April*, in the night, he set out post for *Harwich*, with only one servant; having left in Monsieur *Kreyenberg's* hands, a letter to Mr. Secretary *Bromley*, importing in substance, 'That having had the misfortune to incur

Baron
Schutz,
forbid the
court.

He sets out
suddenly for
Hanover.

‘ incur her Majesty’s displeasure, and being thereby
 ‘ rendered incapable of serving his master any longer
 ‘ in this court, he thought it his duty to return
 ‘ home; and so took his leave of him.’ The next
 day Mounſier *Kreyenberg* delivered this letter to
 Mr. *Bromley*; who told him, ‘ That either he,
 ‘ (*Monſieur Kreyenberg*) or any other Miniſter whom
 ‘ the Elector of *Hanover* would pleaſe to ſend over,
 ‘ would be well received by her Maſteſty.’ This
 whole affair, as may eaſily be imagined, occaſioned
 various reaſonings and conjectures: And as the
 Baron *Schutz*’s declaration of the Duke of *Cam-*
bridge’s intention ſuddenly to come over, ſtunned
 and alarmed the *Chevalier*’s friends, ſo did it won-
 derfully raiſe the ſpirits of the well-affected to the
 houſe of *Hanover*; and had a particular influence
 on the public funds, which thereupon roſe four or
 five *per cent*.

The Lord Chancellor having, on the 13th of
April, reported to the houſe of Peers, the Queen’s
 answer to their Lordſhips addreſs about the *Pre-*
tender, ſome expreſſions in it did not appear *entire-*
ly ſatisfactory; and thereupon it was moved to pre-
 ſent another addreſs to her Maſteſty, tacitly inſi-
 nuating the reaſons and grounds the Lords had for
 the firſt addreſs; a form of an order for ſuch an
 addreſs was thereupon propoſed, and, a noble Duke
 having moved, that the word *induſtriouſly* ſhould
 be added, there aroſe a debate, that laſted from
 two till ſix in the afternoon: After a warm diſpute,
 the court-party carried their point, though by the
 majority of two proxies only, the voices in the houſe
 being equal, *viz.* 61 on each ſide; and ſo the fol-
 lowing orders were made.

Die Martiſ 13 Aprilis, 1714.

Ordered, by the Lords ſpiritual and temporal in
 Parliament aſſembled, that an humble addreſs be pre-
 ſented

sented to her Majesty, to return her Majesty the thanks of this house for her most gracious answer to their address; and to assure her Majesty, that this house will continue to consider of, and humbly to offer to her Majesty, as well as to concur with her Majesty in all proper measures for supporting her Majesty's government, and for strengthening the protestant succession in the house of Hanover, as the only effectual means to put an end, to those fears and jealousies, which have been so universally and industriously spread throughout this kingdom.

Ordered, That the said address be presented to her Majesty by the Lords with white staves.

On the 16th of April the Lord High Treasurer acquainted the house, that the Lords with white staves had (according to order) presented to her Majesty the address of this house of Tuesday last, and that her Majesty was pleased to give the following most gracious answer thereunto.

The Queen's
answer.

My Lords,

*I Thank you heartily for this address:
And take very kindly the assurances you give me therein.*

And thus ended the great noise that was made in the Lords house about the Pretender.

Officers b'll
committed.

Debate in
the house of
Lords about
the treaties
of peace
and com-
merce.

The day before, the Lords read a second time, the bill from the Commons, for securing the freedom of Parliaments by limiting the number of officers in the house of Commons; and it was carried by a majority of seven or eight votes, that the said bill should be committed. Then a motion was made for taking into consideration the state of the nation, in relation to the treaties of peace and commerce, and some speeches were made on both sides thereupon, after which

which the debate was adjourned to *Friday* the 16th of *April*: That day, the *Whig-Lords* being apprehensive, that if any debate arose about the *Spanish* treaty, the other party would propose an address to the Queen, approving of the said treaty, they therefore agreed to say nothing against the treaty that might draw them into a debate. The Lord *North* and *Grey* stood up first, and said, that if any Lord had any objection against the *Spanish* treaty, he was ready to answer them: And so in a challenging manner, skirmished for some time. After he sat down, there was a silence for a quarter of an hour; and then the Lord *Clarendon* stood up and said, ‘ My Lords, since no objection can be raised against the *Spanish* treaty, we should address her Majesty, to return her our most humble thanks, for having by a safe, honourable, and advantageous *peace* with *Spain*, delivered these nations from a long consuming land-war, and to desire her Majesty, notwithstanding any obstructions that may be thrown in her way, to proceed to the settlement of *Europe*, according to the principles laid down in her Majesty’s most gracious speech.’ To this the Lord *Cowper* answered: ‘ My Lords, this is the most bare-faced attempt that ever was made by this, or any other Ministry, to secure themselves by endeavouring to get the sanction of this house for themselves. My Lords, are not the Ministry themselves jealous that their actions stand in need of the sanction of this house? Else why this endeavour at an address to make their act the act of the house? The Lord that spoke first, acting like a soldier, would by skirmishing have drawn on a general engagement, but the troops are too well disciplined to fall into an ambuscade of his laying; but I cannot remove my finger from the original of our misfortune, the CESSATION OF ARMS. We were then told, that if a blow had been struck it would have ruined

' the peace. Would to GOD it had ruined this
 ' peace!' *To back this, the Lord Hallifax said,*
 ' What was last mentioned, my Lords, makes me
 ' rise into the highest resentment of the vile usage
 ' given my Lord Duke of *Ormond*; a Lord for
 ' whom I have the most profound respect. My
 ' Lord *Ormond* went over into *Flanders* with a true
 ' *English* heart, which, my Lords, is the best in
 ' the world; with a desire to do his country all the
 ' service his great ability capacitated him to do,
 ' Therefore it must be inconceivable the horrible
 ' anguish it must give his noble and generous heart,
 ' to receive such shocking orders, restraining the
 ' noble ardour of the soldiers, flushed with former
 ' victories, and hopes of still greater.' *My Lords,*
added the Earl of Nottingham, ' I never knew the
 ' like address to this ever offered at, but once, in
 ' the case of the Duke of *Suffolk*, who in *Hen-*
 ' *ry VIIIth's* time, had made a treaty, for which he
 ' thought it convenient to get the sanction of this
 ' house by an address. I say no more of the man,
 ' because he came to an untimely end.' *Hereupon*
the Bishop of Salisbury said, ' My Lords, I do not
 ' understand what law or reason can be given to
 ' empower one ally to disengage from his other al-
 ' lies, unless in a proper manner and time; he ac-
 ' quaints them, he has done his *ultimus conatus*,
 ' and that to proceed further, would be *certa per-*
 ' *nicies*: That we had not come to our *ultimus*
 ' *conatus*, is plain, since in the year of the cessation
 ' of arms, and the year following, wherein nothing
 ' was done, we made as great efforts as the former,
 ' when we did so many glorious things, and to
 ' proceed further, in all human probability, it
 ' would have been *certa pernicies* to our then enemy,
 ' the *French*.' *The Bishop of London answered,*
 ' My Lords, at the cessation of arms, our case was
 ' the very case in point, which the Bishop of *Sarum*
 ' puts, for we had then come to our *ultimus conatus*,
 ' and,

‘ and, for ought we know, to proceed further, ‘ would have been *certa perniciēs*.’ Hereupon the Earl of Wharton replied, ‘ I did design to have ‘ said a great deal to day, but I find it all anticipated by the Lords who have spoken before me ; ‘ only I must say what I learn by sitting here, *that* ‘ the carrying this vote, is the *ultimus conatus* of the ‘ Ministry, and that if they do not carry it, it will ‘ be to them *certa perniciēs* : Good, my Lords, ‘ gratify my curiosity, to let me see what *certa perniciēs* will be.’ Some other Whig Lords maintained, ‘ That there was no absolute necessity of ‘ making a peace, the nation having given near as ‘ much money for these three years past, as during ‘ any three years of the war ; and as for the pretended advantages, gained by the treaty with ‘ Spain, it is plain they were no more than what ‘ had been stipulated before by the treaty of the ‘ year 1667.’ They also complained of the method in which the negotiations of peace had been carried on, and of the giving up the interests of the Emperor, and King of Portugal, as well as of the poor Catalans. After a warm debate that lasted till about nine o’clock in the evening, it was resolved by a majority of 82 votes against 69, to present an address to her Majesty, to acknowledge ‘ her Majesty’s goodness to her people, in delivering them by a safe, honourable, and advantageous ‘ peace with France and Spain, from the burthen of ‘ a consuming land-war, unequally carried on, and ‘ become at last impracticable : And to intreat her ‘ Majesty, to pursue such measures as she should ‘ judge necessary, for completing the settlement of ‘ Europe, on the principles laid down in her Majesty’s speech.’ An address to that purpose was the next day drawn up, reported, agreed to, and sent down to the Commons, for their concurrence.

An address
of thanks
for the same
voted.

Proceedings
in the house
of Com-
mons.

This naturally leads us to the resuming the proceedings in that house : On *Thursday* the 8th of *April*, it was resolved to present three addressees to her Majesty, that she would be pleased to order to be laid before them. ‘ *First*, An account of the state of the negotiations of the several treaties of peace between her Majesty and her allies, and *France* and *Spain*, and of the obstructions, which occurred in carrying on the said negotiations. ‘ *Secondly*, An account of what licences, privy-seals, or passports have been granted since the year 1688, to persons outlawed or attainted in *Great-Britain* or *Ireland*, or who have borne arms in the service of her Majesty’s or the late King’s enemies, for their returning into these dominions. *And thirdly*, ‘ A copy of the articles of the capitulations of *Limerick* and *Gallway*.’

Account of
money paid
to the high-
land clans,
and other
papers called
for *April*
9th.

On *Friday* the 9th of *April*, the Commons resolved to address her Majesty, ‘ *First*, For an account of all sums of money, which had been paid to the high-land clans in *North-Britain*, since the year 1688, with the names of the respective persons, to whom any such sums have been paid, and by whom. *Secondly*, For the state of the garri-sons in *North-Britain*, and an account of what arms and ammunition, have been brought out of *North-Britain* into *South-Britain*, since *Michaelmas* 1710. *And thirdly*, For copies of the several papers and representations, relating to the garri-sons of *Jamaica*, and the *Leeward* Islands, which had been sent over from the respective Governors of those places, and the opinion of the assembly, with respect to the forces there.’

April 14, Mr. Secretary *Bromley* presented to the house, by her Majesty’s command, pursuant to their addressees : ‘ An account of what instances have been used with the Emperor, for revoking the passport granted by him, for the *Pretender*’s residing in the dominions of the Duke of *Lorrain*, or against
‘ renewing

renewing the same. *Secondly*, A list of persons outlawed, attainted, or that have borne arms in the service of her Majesty's or the late King's enemies, who had licences to return into *Great-Britain*, or other her Majesty's dominions, since the year 1688. *Thirdly*, The state of the fortifications and harbour of *Dunkirk*; and what representations have been made from time to time, by the engineers, and officers, appointed to inspect the demolition thereof, with the answers thereto, and orders given thereupon; with lists of the papers relating to the said demolition. *Fourthly*, An account how far the peace is compleat, between her Majesty's allies, and *France* and *Spain*, and what is yet wanting to make the same universal; as also, what obstructions her Majesty has met with in her endeavours, to make the same universal and compleat. *Fifthly*, A copy of her Majesty's commission, appointing Commissioners to treat with the *French*, dated 13th of *December* 1713. *Sixthly*, And copies of other commissions appointing Commissioners in matters of trade, since the year 1660.' The *Saturday* before (*April* 10th.) Mr. Secretary *Bromley* presented likewise to the house, 'A copy and translation of a letter from the Bishop of *London*, to the Baron *le Begue*, Resident to the *States-General* from the Duke of *Lorrain*.' All which papers were ordered to lie on the table, to be perused by the members of the house.

The most remarkable of these papers, viz. 'An account of the state of *the several* treaties of peace, between her Majesty and her allies, and *France* and *Spain*, with an account of the obstructions her Majesty has met with in her endeavours to make the same universal and compleat; and of what was done relating to the *Catalans*:' Which was said to be written by the Lord *Bolingbroke*, was as follows.

' I N

Account of
the state of
the several
treaties of
peace.

‘ **I**N answer to the addresses of this house, that
‘ her Majesty will be pleased to order an ac-
‘ count to be laid before this house, how far the
‘ peace is compleat, between her Majesty’s allies,
‘ and *France* and *Spain*, and what is yet wanting,
‘ to make the same universal; as also what obstruc-
‘ tions her Majesty has met with in her endeavours,
‘ to make the same universal and compleat; and
‘ likewise that her Majesty would please, to order
‘ an account to be laid before this house, of what
‘ endeavours have been used, that the *Catalans*
‘ might have full enjoyment of all their ancient
‘ liberties and privileges, and that a full state of
‘ all proceedings, during the treaty of peace, relat-
‘ ing thereunto, be likewise laid before this house:
‘ Her Majesty has thought fit to order, besides the
‘ papers herewith delivered in, the following state
‘ of the treaties, of the negotiations of peace, and
‘ of the endeavours which she has used, that the
‘ *Catalans* might have the full enjoyment of all
‘ their ancient liberties and privileges, to be pre-
‘ pared and laid before this house.

‘ On the 11th day of *April*, N. S. 1713, the
‘ Ministers of *Great-Britain*, of *Portugal*, of the
‘ present King of *Sicily*, and of the *States-General* of
‘ the *united provinces*, signed their respective trea-
‘ ties with the Ministers of his most Christian Ma-
‘ jesty at *Utrecht*.

‘ From that time therefore no treaties between
‘ *France* and any of the allies, remained unfinished,
‘ except those of the Emperor, and of the body of
‘ the empire: The first of which was executed at
‘ *Rastadt*, on the 6th of the last month, N. S.
‘ And his Imperial Majesty undertaking therein,
‘ to procure the consent of the empire, to all the
‘ articles of it, the peace of the latter may in effect
‘ be reckoned, to have been likewise made at the
‘ same time, although a congress is appointed to
‘ meet

meet at *Baden*, where the consent of the Electors, Princes, and States of the empire, is to be given in form, and several particular claims to be discussed.

Passports not having been granted to the Ministers of *Spain*, till more than fourteen months after the conferences at *Utrecht* were opened, the Duke d'*Ossuna* did not come to the congress, before the 19th of *April*, N. S. 1713, nor enter on any business till the arrival of his colleague, the Marquis de *Monteleon*, in the month of *June*.

On the 13th of *July* following, the treaty of peace between her Majesty and the Catholic King was signed; but the treaty of commerce could not be finished, till the 9th of *December*, N. S. 1713.

The peace between *Spain* and *Portugal*, her Majesty looks upon to be as good as concluded, it appearing by late accounts from *Utrecht*, that the project thereof had been drawn up in form, and sent to the two courts to be approved; and that the differences which remain were too inconsiderable, to occasion any new delay. In the mean while, her Majesty has taken the most effectual care of the interests of the King of *Portugal*, having given to that Prince, on the 18th of *August* 1713, of her own motion, and without any requisition on his part, a new guaranty, whereby the Queen obliged herself to secure the restitution, even by force of arms, if that should become necessary, of any thing which might be taken from *Portugal*, before the conclusion of the peace; to procure to that crown the colony of the *Sacrament*, or in lieu thereof, such an equivalent as the King of *Portugal* himself should be contented to accept; to obtain satisfaction to the *Portuguese*, for what they claim to be due to them, on account of their *Assiento* or contract with the crown

‘ crown of *Spain*; and to set on foot, after the
 ‘ peace, an amicable negociation, for accommodat-
 ‘ ing the differences which have arisen, concerning
 ‘ several estates situated in *Portugal*, and claimed
 ‘ by subjects of *Portugal* residing in *Spain*; and con-
 ‘ cerning those *Spanish* ships which were, about the
 ‘ beginning of the war, seized by the *Portuguese*
 ‘ On these principles the Earl of *Strafford* made a
 ‘ solemn declaration to the Ministers of *Spain*, in
 ‘ *February* last, when he exchanged with them
 ‘ the instruments of ratification of the treaties be-
 ‘ tween her Majesty and the Catholic King, that
 ‘ the peace which the Queen then ratified, did not
 ‘ dispense with the obligations which she lay under
 ‘ to the King of *Portugal*, as well by her guaranty
 ‘ lately granted, as by her defensive alliance, made
 ‘ in 1703, and that her Majesty was determined,
 ‘ to assist and defend this Prince, on the foot of
 ‘ the pretensions, specified in the said guaranty,
 ‘ and according to the tenor of the said defensive
 ‘ alliance.

‘ The treaty of peace between the Kings of *Spain*
 ‘ and *Sicily*, was executed on the same day, on
 ‘ which her Majesty’s treaty with the crown of
 ‘ *Spain* was signed; that is on the 15th of *July*,
 ‘ N. S. 1713.

‘ All the articles of a treaty between the Catho-
 ‘ lic King, and the *States-General*, have been long
 ‘ ago adjusted; and that treaty would have been
 ‘ executed in form, had not the Ministers of the
 ‘ *States-General*, made and insisted on a declaration,
 ‘ which those of *Spain* apprehend to be repugnant
 ‘ to the terms already settled.

‘ It has not hitherto been possible, so much as to
 ‘ enter on a treaty between their Imperial and
 ‘ Catholic Majesties; the Emperor having thought
 ‘ fit to withdraw the last of his Ministers from
 ‘ *Utrecht*, before those of the King of *Spain* could
 ‘ appear and act in that congress.

‘ This

‘ This short account of the present state of the
‘ several treaties of her Majesty, and her allies,
‘ with *France* and *Spain*, shews how little is want-
‘ ing, in comparison with what has been already
‘ done, to render the peace at last as universal, as it
‘ would have been long ago, had not continual ob-
‘ structions been thrown in the way of this great
‘ work, at its beginning, and in every step of its
‘ progress.

‘ *France* having complained of the manner of
‘ treating, when former treaties were made, to set
‘ a negociation for a general peace on foot; and
‘ having for that reason refused to make any new
‘ overtures to the *States-General*, her Majesty re-
‘ ceived in the month of *April*, 1711, a *proposal*
‘ from the most Christian King, which she imme-
‘ diately communicated, by her Ambassador, to
‘ the Ministers of *Holland*; assuring them, that in
‘ making peace, as in making war, she would act
‘ in perfect concert with the *States*: The *Dutch* Mi-
‘ nisters, in return to this mark of her Majesty’s
‘ confidence in them, and friendship for their re-
‘ public, having expressed themselves to be weary
‘ of the war, heartily desirous of peace, and ready
‘ to join in any method her Majesty should think
‘ proper to obtain it, gave their opinion, that the
‘ overtures made by *France* was too general; *That it*
‘ *was necessary the Queen should make the French ex-*
‘ *plain themselves more particularly*; and that till
‘ they had done so, it was not proper to take any
‘ concert with the rest of the allies.

‘ As soon as her Majesty received this answer
‘ from the *Hague*, she insisted that the French should
‘ be more direct and particular in their overtures;
‘ and that they should form a distinct project of
‘ such a peace as they were willing to conclude:
‘ No time was lost in carrying this negociation for-
‘ ward, and the utmost care was taken, according
‘ to the desire of the Ministers in *Holland*, whom
‘ her

‘ her Majesty had consulted, to preserve the secret :
 ‘ But the dilatory method of treating, which in
 ‘ those circumstances was unavoidable, and other
 ‘ accidents, to which transactions of this kind must
 ‘ be always exposed, were the occasions that no-
 ‘ thing more satisfactory than the first propositions,
 ‘ which *France* made, could be obtained till the end
 ‘ of *September 1711*.

‘ On the first of *October*, the Queen’s instructions
 ‘ were given to the Earl of *Strafford*, to repair
 ‘ with all possible diligence to *Holland*, to acquaint
 ‘ the Ministers of the States, with all that had been
 ‘ done, in consequence of what they had in the
 ‘ month of *May* desired ; and to communicate to
 ‘ them the propositions, signed by Monsieur
 ‘ *Mesnager* four days before, to wit, the twenty se-
 ‘ venth of *September* ; which her Majesty looked upon
 ‘ to include, in their general expressions, all the parti-
 ‘ cular demands proper to be made, in the course of
 ‘ the negotiation, and to be a sufficient foundation
 ‘ whereupon to open the conferences. The Earl of
 ‘ *Strafford* was at the same time instructed to assure
 ‘ the Ministers of *Holland*, that her Majesty was
 ‘ determined to accept of no advantages to her self,
 ‘ repugnant to their interests ; nor of any peace,
 ‘ unless they had all reasonable satisfaction, as to
 ‘ their barrier, as to their trade, and in every other
 ‘ respect : He was likewise to exhort them to join
 ‘ with her Majesty, in promoting the strictest
 ‘ union among all the confederates, as the only
 ‘ means to carry the negotiation successfully for-
 ‘ ward ; and communications and assurances of the
 ‘ same nature, were at the same time given to the
 ‘ other allies.

‘ Before these orders could be executed, and even
 ‘ before the last overtures had been made on the
 ‘ part of *France*, or it could possibly be known
 ‘ what had been transacted, the whole confederacy
 ‘ was industriously alarmed ; and jealousies were
 ‘ every

every where sown; and even in *Britain*, the most licentious clamours were raised against her Majesty's proceedings.

This behaviour must appear very extraordinary, when, besides what is above-mentioned, it shall be considered, that the receiving a Minister from *France* by her Majesty, which was urged as the reason of the apprehensions of the allies, and which was the only one they pretended to give, was no more than what the *Dutch*, and (there was ground to believe) others of the confederates, had several times done; and that the person sent hither, was the same Monsieur *Mesnager*, who a year or two before, had lain concealed in *Holland* for many weeks, and had treated during that time, with the chief Ministers of that republic.

The fatal consequences, which the least appearance of disunion amongst the allies, would necessarily produce, began then to be felt; and her Majesty found herself obliged to let the *Imperialists*, and the *Dutch* know, that the *French* might have been brought to explain themselves further than they did, had it not been for the extraordinary uneasiness, impatience, and jealousy, which upon the first appearance of taking any measures towards peace, discovered themselves among the allies.

From thence are all the obstructions to the peace to be dated, and to those obstructions alone, such points as seem to fall short of the expectations of any of the parties concerned, are to be attributed. *The Queen foresaw, that nothing would be left undone, to force the negotiation out of her hands; as well by those who were against any peace at all, as by those who feared that her Majesty being at the head of the negotiation, more advantages might accrue to Great-Britain,*

than

' than they were willing to allow : And therefore
 ' the confederacy, which formed itself in *opposition*
 ' to what the Queen had undertaken, instead of alter-
 ' ing her conduct, became the strongest reason ima-
 ' ginable to continue it. Things were already
 ' brought to that extremity, *that there was no mid-*
 ' *dle, between a steady pursuit of the true interest of*
 ' Great-Britain, in the first place, and abandoning our
 ' selves to be disposed of in war, or in peace, as should
 ' suit the conveniency, or gratify the passions of the
 ' confederates.

' Soon after the Earl of *Strafford's* departure to
 ' Holland, Monsieur *Buys* arrived here, with the
 ' character of Envoy from the *States-General*.
 ' When a Minister of this consequence was sent,
 ' hopes were immediately conceived, that all jea-
 ' lousies might be cured, and a perfectly harmony
 ' be created, between the Queen and the States:
 ' After which, an union with the other allies would
 ' necessarily follow ; and the whole confederacy en-
 ' tering as one man into the congress, the sincerity
 ' of the *French* would have been soon tried, and
 ' the possibility or impossibility of obtaining a good
 ' peace soon decided.

' In order to this end, her Majesty's servants
 ' were instructed and empowered, to settle with this
 ' Minister such disputes, as related to the reciprocal
 ' interests of the two nations, and to prevent, by
 ' this previous concert, any difference which might
 ' arise, in the course of the treaty between the
 ' Queen and the States. They were further direct-
 ' ed to *adjust, in confidence with him, such a plan for*
 ' *the general peace, as it might be proper finally to*
 ' *insist upon* : And in this case, her Majesty would
 ' have been ready, jointly with the States, to have
 ' broken the conferences, if these terms had not
 ' been granted without exception, and without
 ' delay. But, *such was the public misfortune at that*
 ' *time,*

' *time*, that this Minister was only empowered to
' hear, and not to speak, and could not take upon
' him so much, as to conclude, or even sign, *sub*
' *spe rati*, a new *offensive and defensive* alliance be-
' twixt the Queen and the *States*, which in these
' circumstances of affairs, he judged, and her Ma-
' jesty's servants concurred with him, to be extream-
' ly necessary.

' By the conferences which were held with Mon-
' sieur *Buys* here, by the accounts which came from
' abroad, and by the representations, which some
' of the allies made about the same time, to her
' Majesty, it appeared undeniably evident, not on-
' ly that the war was become, on the present foot,
' absolutely impracticable; but also that no alte-
' ration could be attempted, either in the method of
' carrying it on, or in the views, towards which
' it was directed, without dissolving at once the
' confederacy; and that the dispute was in fact,
' not whether a peace, by which *Spain* and the
' *Indies* would be left to *Philip*, should be made,
' but who should have the making of it.

' The real annual expence of this kingdom, a-
' mounted to more than seven millions; whereas it
' is certain, that we were not in a condition effectu-
' ally to raise near six millions in the course of a
' year; from hence it follows, that if this propor-
' tion had been continued, about nine millions
' would have been the true charge of a second year,
' and about eleven millions that of a third.

' This was the state of our affairs, whilst the
' house of *Austria* contributed nothing but one re-
' giment, to the war of *Spain*, little to that of
' *Italy*; had but few forces, and those entirely un-
' active, on the *Rhine*; and sent none into the *Ne-*
' *therlands*, except such as those harrassed provinces,
' were obliged to maintain, and were thereby ren-
' dered unable to furnish troops, or make the ne-
' cessary provisions for the operations of the army;

' both which they might otherwise have done, and
 ' both which they did in an eminent degree, whilst
 ' they were under the government of the present
 ' King of Spain.

' The *States-General* bore a considerable burthen;
 ' but as they had from the year 1708, sent no
 ' supplies of any kind, either to *Portugal* or to *Catalonia*, and had drawn themselves almost entire-
 ' ly out of the *Spanish* war; as they furnished in no
 ' proportion their quota for the sea service; as
 ' they had reduced their joint contributions with
 ' the Queen in all payments, to one third of the
 ' whole; and as they were very backward in an-
 ' swering even this share of expence; so the load
 ' of *Great-Britain* came, upon their account, as
 ' well as upon the Emperor's, to be vastly increas-
 ' ed: As to the rest of the allies, all the troops
 ' which they furnished, were maintained by the
 ' Queen, and the *States*, except a few, and those
 ' almost wholly employed in covering their own
 ' frontiers.

' In this situation of affairs, her Majesty declar-
 ' ed to the *Imperialists*, and to the *Dutch*, that if
 ' they would not allow *France* to have given suf-
 ' ficient grounds for opening the conferences; if
 ' they were desirous to carry on the war, and de-
 ' termined to accept of *no terms of peace, inferior to*
 ' *those which had been formerly demanded and refused*;
 ' she was on her part ready to concur with them:
 ' But that, in justice to herself, and to them, she
 ' thought herself bound to let them know, that
 ' she could no longer bear so disproportionate a
 ' burthen; that it was evident, that the common
 ' effort must be still greater than it was, or that
 ' there would remain no prospect of arriving at the
 ' ends which they proposed; and that for these
 ' reasons, it would be incumbent upon them, if the
 ' war continued, to increase their expences, whilst
 ' the Queen reduced her's.

The

‘ The Ministers of the *States-General* were very candid and open upon this head : Monsieur *Buy*s asserted, that his masters had done their utmost already, and could be obliged to no more ; many of the others had on several occasions, declared their country unable to support the charge they were at, another summer, and the Pensionary himself, in a deputation of the *States*, appointed to attend the Earl of *Strafford*, in *October* 1711, declared, that it was impossible to think of continuing the war another year ; that what from the Emperor, and what from the Princes of the *North*, we should be in the utmost danger, should we attempt to do it ; and finally, *that they were traitors to their country, who were against the peace.*

‘ Many instances might be produced, to shew that there was at least as little reason to expect from the house of *Austria*, as from the *States-General*, a greater effort than they had hitherto made. The peace of *Hungary* was concluded about the month of *May* 1711, and that constant excuse, which the Ministers of *Vienna* used to make for all their deficiencies, did by consequence no longer subsist : Yet her Majesty found it impossible, at the latter end of that year, to obtain a reinforcement of no more than eight thousand men from thence, although her Minister was empowered to have offered forty thousand pounds for the march of them ; and although the present King of *Sicily*, then Duke of *Savoy*, undertook, if he might be assured of this reinforcement, any time before the close of the campaign, to establish his winter quarters on that side of *France*, which would have been, in that point of time, the more decisive ; because a project was then formed, and would have been executed, could the *States* have been in time induced, to have taken even less than their own share upon them (her Majesty

‘ supplying their deficiency, as well as her own
‘ proportion) to have kept a great body of horse
‘ all the winter, on the frontiers of the low coun-
‘ tries; by which means, *Picardy*, and the isle of
‘ *France*, would have been ravaged, no magazines
‘ could have been erected, and the *French* must have
‘ gone in the spring a great way back into their
‘ country, to assemble their army.

‘ The Imperial Ministers confessed very freely,
‘ that their master expected the Queen should fur-
‘ nish all the money, and that the utmost he could
‘ do, was to send troops at her expence; in the
‘ same breath avowing the Emperor’s intention to
‘ break the negociation of peace, and to continue
‘ the war till *Spain* was conquered; the entire mo-
‘ narchy whereof he expected: But if there had
‘ remained any doubt of the little assistance which
‘ was to be hoped for from the house of *Austria*,
‘ who aimed at such great acquisitions; this matter
‘ would have been put entirely out of dispute, by
‘ the proposals which Prince *Eugene* himself made
‘ in *Holland* first, and afterwards to the Queen.

‘ These proposals, it must be thought, were
‘ carried at least as high as his Imperial Majesty
‘ judged himself able to make good; since it is no-
‘ torious that he would have stuck at nothing,
‘ which might have broke the measures of peace,
‘ and have encouraged the resolution of prosecuting
‘ the war; and yet, even by these proposals, his
‘ Imperial Majesty did not pretend to act in the
‘ field, with two thousand men more, than in the
‘ year 1702, it was understood that the Emperor
‘ *Leopold* undertook to furnish; although the expence
‘ of a great part of these troops was not to fall up-
‘ on him; and although he offered to contribute
‘ but a fourth of the charge of the army in *Spain*;
‘ so that the remaining three fourths, as well as the
‘ whole transportation and extraordinary of the war,
‘ would

‘ would still have been placed to the Queen’s account.

‘ From what has been said, it is manifest, that the method, in which the war was proposed to be carried on, could no longer be supported ; and that there was not any glympse of hope left, that the allies could be brought to make any considerable augmentation of force ; to have prosecuted the war, therefore, in this manner, must have been the ruin of *Britain* ; to have insisted upon an impossibility, as a condition, without which the Queen would not proceed, must have disunited the alliance, and suspended the operations of the armies in all parts ; in both these cases the consequences are too evident to be enlarged upon.

‘ In the beginning of the year 1711, died the late Emperor *Joseph* ; and the eyes not only of the Princes of the empire, but of all the confederates, and of her Majesty, in the first place, were immediately fixed on his brother. This event occasioned a great alteration in the councils of *Europe*, and gave a new turn to the sentiments of many Princes.

‘ There was reason to believe, that the Ministers of *Vienna* themselves began to cool in the project of recovering *Spain* and the *Indies* : They seemed to intend nothing more than to get the present Emperor into *Germany*, and to secure the possession of *Italy* to themselves ; and the former, as well as the late instances they had made, for attempting the reduction of *Sicily*, though at the expence of diverting part of that force, which was applied to the war of *Spain*, pointed the same way.

‘ In *Holland*, a partition of the *Spanish* monarchy seemed almost the general scheme ; and the conduct of that republic, as well the confession of its Ministers, shewed, that the project of driving

‘ *Philip* out of *Spain*, was looked upon there to be
‘ pure chimera.

‘ Soon after the death of the Emperor *Joseph*,
‘ her Majesty had been acquainted, that some of
‘ the *Princes of the empire* thought it a point, which,
‘ deserved the most serious reflection, Whether
‘ they should suffer the *Imperial* and *Spanish* crowns
‘ to be united on the same head; and whether it
‘ might not be proper, in the capitulation of the
‘ empire, to insist on the separating of them;
‘ Other members of the grand alliance, and those
‘ the only two with whom her Majesty had entered
‘ into any formal engagement, for recovering the
‘ entire *Spanish* monarchy, represented on the same
‘ occasion, against placing this crown on the Em-
‘ peror’s head: It was urged by one of the most
‘ considerable *Princes* in the alliance, that the prin-
‘ ciple upon which he engaged in the war was now
‘ altered; and that instead of fighting, to procure
‘ the *Spanish* monarchy to the house of *Austria*;
‘ his interest, and even his safety, required that he
‘ should fight to prevent it.

‘ The case therefore stood thus: The present
‘ Emperor, even after his brother’s death, and his
‘ own election, would content himself with nothing
‘ less than the whole *Spanish* monarchy, and insist-
‘ ed, that the war should be prosecuted in this view.
‘ Of the other allies, some looked on this prospect
‘ as chimerical, others as dangerous; from whence
‘ it follows, that to keep the grand alliance united
‘ in this principle, was impracticable; and it must
‘ be allowed, that to have altered this principle,
‘ to have changed so many treaties, to have re-
‘ conciled so many different interests, and to have
‘ formed a system entirely new, in the midst of
‘ the war, was an experiment too hazardous to be
‘ attempted,

‘ In

In this situation of affairs, no time was to be lost: The Queen knew very well, that attempts to open a treaty with *France*, separately from her, were made by those who clamoured the loudest against her measures; and the present Emperor had thought fit, on board one of her Majesty's ships, and by her own Minister, to send her a message of the same nature. She therefore insisted with the *Imperialists*, and with the *Dutch*, that she would be at some certainty, and that they should comply with her in the measures, either of war or peace.

How the war became impracticable, has already appeared; what obstructions there were, to the carrying on a treaty of peace, comes next to be related.

The principal, and indeed the only avowed dispute between her Majesty and the States at this time, concerned the method of carrying a negociation forward. The *States* pretended, that a fair opportunity would be given to the Ministers of *France*, to divide the confederates, if they were suffered to meet together in a general congress, before the essential articles of peace were settled by specific preliminaries; the use which had been made of this method, on a former occasion, to evade the concluding of any peace, when, according to the confession of the *Dutch* Ministers themselves, the *differences on which the allies and France broke off, did not deserve the life of a single soldier*, gave no great encouragement to pursue the same again; besides which, *as the Queen would not take upon her to settle the interests of others*, so neither would she suffer others to determine those of her own kingdoms; and if all the confederates were to assemble, in order to adjust a preliminary treaty, the objection made by the *States* returned upon them.

‘ In December 1711, the States concurred with
 ‘ her Majesty in fixing the place of a treaty, appoint-
 ‘ ing the day on which the congress should open, invit-
 ‘ ing the allies to send their Ministers thither, and
 ‘ giving the necessary passports to the Plenipotentiaries
 ‘ of France. And if nothing had happened to re-
 ‘ vive the spirits of those, who were bent against
 ‘ the peace, it is highly probable by the little time
 ‘ which it cost to conclude most of the treaties,
 ‘ after the conferences, that had been interrupted,
 ‘ were resumed at *Utrecht*, and the allies proceeded
 ‘ in earnest to negotiate, that the treaties of all the
 ‘ confederates, with *France*, might have been fi-
 ‘ nished before the season of opening the campaign
 ‘ in 1712. But before Monsieur *Buys* returned in-
 ‘ to *Holland*, or the conferences could begin, the
 ‘ efforts were renewed with the greatest vigour, to
 ‘ break off the negociation; the cry against a peace,
 ‘ by which Spain and the Indies should be left to any
 ‘ branch of the house of Bourbon, became louder than
 ‘ ever; and letters and memorials were not only
 ‘ delivered, but printed; and appeals made against
 ‘ her Majesty’s proceedings to all *Europe*, and even
 ‘ to her own subjects.

‘ On these encouragements, the good dispositions
 ‘ towards peace, received a check, and some of
 ‘ those who had owned themselves against the pro-
 ‘ secution of the war, to recover the whole *Spanish*
 ‘ monarchy to the house of *Austria*, joined now, un-
 ‘ der this very pretence, to break the measures of
 ‘ peace. The treatment which her Majesty had met
 ‘ with at this time, will appear in the clearest light
 ‘ from this circumstance: The Minister of the States-
 ‘ General proposed to her Majesty’s servants, that
 ‘ considering the difficulties which the Queen lay
 ‘ under, how impossible it was to recover by war,
 ‘ or by treaty, the *Spanish monarchy* from King
 ‘ *Philip*, and how impossible he likewise apprehend-
 ‘ ed it to be, in the present circumstances of affairs,

‘ for

for her Majesty to carry on any negociation, by which this monarchy should be left to *Philip*, he was ready to extricate her Majesty from this dilemma, and to screen her Ministers in carrying on the work which they had begun, in the name of his masters, to present a memorial, by which the point of obtaining *Spain* and the *Indies*, should be given up; provided he might be assured, that the *Dutch* should have an equal share with her Majesty's subjects in the *Assiento*, which contract, he supposed, it was stipulated, should be made with *Great-Britain*.

From the causes, and by the steps, which have been here mentioned, was the disunion among the allies, arrived to the highest pitch, at the opening of the conferences in the month of *January*, 1711-2, when the strictest union among them was more than ever necessary, and when the whole fruit of those successes, wherewith God had blessed their cause, in the course of the war, depended on it. They sent their several Plenipotentiaries to *Utrecht*, but it was very apparent, that most of them acted on that maxim, which one of them professed, that giving into the measures of peace, was the surest way to continue the war. They flattered themselves, that the Imperial Ministers in conjunction with those of *Britain*, having two years before baffled the designs of *Holland* to make peace, it would be, at least, as easy for the Ministers of the Emperor in conjunction with those of the *States-General*, to render fruitless, at this time, all her Majesty's endeavours to the same end. After this it will not appear surprizing, if the utmost dexterity was exerted, to delay the entering on business at *Utrecht*, and to wait for the events of the campaign.

On the 29th of *January* 1711-2, the first general conference was held between the Ministers of the allies

allies and those of *France*, and by the beginning of *April*, a dispute was set on foot concerning the method of proceeding, which made all treaty impracticable, and which was kept up, till a quarrel happening between one of the Plenipotentiaries of *France*, and one of those of the *States*, a new obstruction was created to take place, and to answer the ends of the first.

The *French* had made their overtures in writing; the allies had likewise given in their demands in writing; and the question arose, whether the *French* were obliged to give a specific answer in writing; or whether they should now proceed in the negotiation, by debating with the several allies, agreeably to the method used in former congresses? By the minutes of the *Protocol*, to which the *French* Ministers appealed, it appeared that they were under no such obligation, but between the 2d of *April*, and the 5th, Count *Sinzendorff* had been at the *Hague*, where the resolution was taken, to carry things to extremity, that is, not to treat with the Ministers of the most *Christian* King, unless they gave an answer in writing, and orders were accordingly sent by the *States* to their Plenipotentiaries. The design was laid upon this, to have broke off all further treaty; but this design was disappointed by the declaration, which the *French* Ministers made on the 6th, that their instructions allowed them to go no farther than they had offered, but that they would write to the King their master to know his pleasure; after which, during three months time, there was not so much as any steps made on the part of the allies, for an answer from the *French*, though at the same time the *Imperialists* were pushing to get the congress broke, or at least her Majesty's Ministers excluded.

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‘ In *August*, the second obstruction took place; and that, trifling as the occasion of it may seem, was so managed, that till the 13th of *January*, N.S. 1712-3, the difficulty could not be overcome.

‘ Ten months having been lost at *Utrecht*, and the success of the campaign, not having answered the design of those who projected the breaking off the treaty, by the operations of the army, the Ministers of the allies made no further difficulty, to proceed in the very method, which her Majesty’s Plenipotentiaries had from the first advised. This method succeeded so well, that in two months after the negotiation was resumed, all the parties in the war made their peace with *France*, except the Emperor and empire, and the Ministers of those powers had likewise brought their disputes to so narrow a compass, that on the 15th of *May* 1713, the only difference between them, was concerning the marquisate of *Burgaw*, estimated at the yearly value of about 12000 crowns.

‘ In the state of things, Monsieur *Kirchner*, the last of the Imperial Ministers who continued at *Utrecht*, left that place, and the Emperor’s resolution was declared of supporting that war singly, which, assisted by the Queen and the States, he had not been able to carry on with any tolerable vigour.

‘ It was from this time easy to foresee, that the Emperor intended to treat no more at *Utrecht*, and that a separate negotiation between the courts of *Vienna* and *France*, whenever it should happen, would not prove very advantageous to the empire, or favourable to the protestant interest in *Germany*, of which her Majesty had taken early, and she hoped effectual, care, by obliging *France* to consent, that all things concerning the state of religion in the empire, should be settled, conformably

' formable to the tenor of the treaties of *Westphalia* ;
 ' in such manner as to make it plainly appear,
 ' that the most *Christian* King neither would make,
 ' nor would have had made any alteration in the
 ' said treaties. Thus one of the contracting par-
 ' ties, had already, in effect, yielded to the aboli-
 ' tion of that clause, in the 4th article of the treaty
 ' of *Ryswick*, so fatal to the *protestant* religion.
 ' And if his Imperial Majesty had concluded his
 ' treaty at *Utrecht*, it is hardly to be believed, that
 ' in the midst of so many allies, whose blood had
 ' been shed, and whose treasure had been exhausted
 ' in his cause, he would have refused to their joint
 ' intercession, what *France* had complied with, on
 ' the single instances of the Queen.

' It has been already observed, that if the allies,
 ' when the congress at *Utrecht* was opened in the
 ' beginning of the year, had in good earnest gone
 ' about their several treaties, the peace might in all
 ' probability, have been made before the armies
 ' could have taken the field. It may be necessary
 ' here to observe the state of affairs at another
 ' period of time, and another opportunity lost of
 ' treating with the greatest advantage on our side,
 ' and with the greatest probability of success.

' On the 6th of *June* 1712, her Majesty com-
 ' municated to both houses of Parliament, upon
 ' what terms a general peace might be made :
 ' Those who were against any treaty, and who en-
 ' tertained hopes, that the sense of the nation,
 ' would not go long with her Majesty, and that
 ' obstructions would arise, even in *Britain*, to the
 ' conclusion of the peace, might have seen how
 ' vain those expectations were, by the returns which
 ' the two houses made to this instance of her Ma-
 ' jesty's condescension, *by the assurances they gave of*
 ' *their confidence in her, and of their entire reliance*
 ' *on her wisdom to finish this great and good work,*
 ' *and by their humble desire that she would please to*
 ' proceed

' proceed in the present negotiations for obtaining a
 ' speedy peace. Those who pretended only to be
 ' against the method of treating, and who were
 ' fond of specifick preliminaries, had now the very
 ' thing which they desired, his most Christian Ma-
 ' jesty having declared himself explicitly and parti-
 ' cularly on the most important points that were to
 ' be settled in the treaties of peace. The Queen
 ' was even at that time not under the least obliga-
 ' tion, but at full liberty to have proceeded in the
 ' negociation, or to have broke it off, according as
 ' the French had behaved themselves. But France
 ' was under the strongest obligations to her Majesty,
 ' and by her Majesty's means to the allies. The
 ' concessions then made on the part of France, were
 ' made without any concession whatever on the part
 ' of the confederates: If therefore, even then, they
 ' could have been prevailed upon to unite with the
 ' Queen, and with one another, during a short ces-
 ' sation of arms, the general peace might have
 ' been secured, or if that had failed, we should
 ' have got by the cessation, into our hands, a place
 ' of greater importance than we could have expected
 ' by the most successful campaign to conquer.
 ' But instead of applying themselves to improve this
 ' happy conjuncture, the Ministers who met to treat
 ' of peace, seemed attentive only to what passed
 ' in the field, and Utrecht seemed the scene of no
 ' other business than unnecessary disputes concerning
 ' the forms of proceeding, and negotiations to ac-
 ' commodate differences which the quarrels of ser-
 ' vants had begun.

' From these unhappy measures were many evil con-
 ' sequences derived, and by them were all the subsequent
 ' transactions affected, particularly those which re-
 ' lated to the interest of the Catalans.

' This people had submitted to the present King
 ' of Spain, on his accession to that throne, had
 ' taken the oaths of fealty to him, and in the Cortes
 ' held

• held at *Barcelona* in the year 1701, and 1702,
 • had received from him a new establishment of
 • their privileges: Notwithstanding which, they be-
 • gan in the year 1704, to shew their inclinations to
 • a revolt, and it appears, that in the beginning of
 • of the year 1705, they made overtures of this kind
 • to the Queen, and that numbers of them were al-
 • ready actually in arms. In compliance therefore
 • with what they desired, and encouraged by the
 • assurances she received, that not only the *Catalans*
 • but other people in *Spain*, were ready to declare
 • for his present Imperial Majesty, as soon as they
 • should see any prospect of being supported in
 • their revolt, the Queen thought fit to give direc-
 • tions the Earl of *Peterborough*, and Sir *Cloudesly*
 • *Shovel*, joint Admirals of her fleet, on the first of
 • *May* 1705, to do the best they could to induce
 • the *Catalans* to co-operate with them for the re-
 • duction of *Spain*. In order to which, they were
 • impowered to promise, in the Queen's name,
 • that she would secure to them a confirmation of
 • their rights and liberties from the said Prince,
 • King *Charles* the third. But it appears by the
 • same instructions, that instead of giving these as-
 • surances, the Admirals were to take measures for
 • annoying the towns on the coast of *Spain*, and for
 • reducing them by force, unless suitable returns
 • from the *Catalans* and *Spaniards* were made to
 • these kind offers on her Majesty's part. This
 • likewise appears to have been the measure by
 • which the Queen proceeded, from the commission,
 • credentials, and instructions which were given to
 • Mr. *Crowe*, who was sent to *Genoa* in *March*, 1705;
 • besides which it is also to be observed, that after
 • the Earl of *Peterborough* and Sir *Cloudesly Shovel*
 • were arrived with her Majesty's fleet at *Lisbon*,
 • it still remained, for some time, uncertain what
 • design they should prosecute, and this uncertainty
 • hindered them from pressing the people of *Ca-*
 • talonia

' *talonia*, whilst King *Charles* rather checked than
 ' incited them; so that when the Queen's forces pro-
 ' ceeded on this service, the *Catalans* were looked
 ' upon to be the principals, and we only accessaries
 ' in the war: From all which it is evident, that the
 ' landing of the Earl of *Peterborough* in *Catalonia*,
 ' and her Majesty's entring into that part of the
 ' war, were in consequence of the solicitations of
 ' the *Catalans* and other *Spaniards*, affected to the
 ' house of *Austria*; and that all the engagements
 ' which she gave to these people, went no further
 ' than the obtaining from King *Charles* the third a
 ' confirmation of their rights and privileges; and
 ' although her Majesty offered at that time to give
 ' a guaranty for the same, and to enter into a treaty
 ' with that people, yet it does not appear that such
 ' a guaranty was ever given, or, that such a treaty
 ' was ever made. This being the state of the
 ' Queen's engagements to the people of this pro-
 ' vince, there could have been no doubt of mak-
 ' ing them good in every part, had the events of
 ' the war, and the circumstances, rendered the
 ' placing his present Imperial Majesty on the throne
 ' of *Spain* practicable; and there is as little doubt,
 ' that besides what has been obtained by her Ma-
 ' jesty for the *Catalans*, the confirmation of all their
 ' privileges, would likewise have been procured from
 ' his *Catholic* Majesty, had not the conduct of the
 ' Emperor singly prevented it.

' In the year 1712, it has been already said, that
 ' although the fairest prospect of making a general
 ' peace was opened, yet his Imperial Majesty con-
 ' tinued in his resolution not to make it: The
 ' Queen on the other hand was under a necessity of
 ' pursuing the measures she had taken, and thereby
 ' not only of agreeing to a cessation of arms, but
 ' also of withdrawing her troops out of the province
 ' of *Catalonia*, the supplies granted by Parlia-
 ' ment

ment for that year having been so calculated, that the whole establishment was given only for the first quarter, and one third of four millions of crowns for the other three quarters, conditionally that the *Emperor* and the *States-General* would take upon themselves, the other two thirds, which in fact neither of them did.

Under these circumstances it was plain that the *Catalans* would be left without any terms made in their behalf, and that the Empress and imperial forces, who remained in that province would be exposed to the greatest difficulties and dangers. The Queen therefore took immediately all the care she could to prevent these misfortunes, and at the same time to secure and strengthen his imperial Majesty, as far as lay in her power, notwithstanding the treatment she had received; and the just provocation she had to leave him to struggle with the consequences of his own measures.

At the latter end of this year 1712, her Majesty set a treaty on foot for the evacuation of *Catalonia*, and for the neutrality of *Italy*. Her Majesty's aim by her first part of this treaty, was to secure the return of the Empress and the imperial troops, and since she could no longer support the *Catalans* by her arms, to provide for them by the terms of peace. Her Majesty's aim in the second part, was to leave as little room as possible for *France* or *Spain* to attack his Imperial Majesty, when the treaties between her Majesty and the *States-General* should be concluded with the most Christian King. The Queen considered that these treaties, and the barrier of the *States*, would secure the ten provinces of the *Netherlands* from any invasion; and by this convention for a neutrality in *Italy*, the Emperor's territories in that country were likewise covered; so that by the care

care which her Majesty took, since he was determined to run the risk of continuing single in the war, he would lie open in no frontier but that of the *Rhine*, where, by the same means, he would be able considerably to increase his strength, as well with draughts out of *Italy*, as with the *Germans* and other forces which were to be transported from *Spain*.

It was no sooner than the end of *January* 1712-3, that by the good offices of her Majesty's Ministers at *Utrecht*, the Imperial and French Plenipotentiaries were brought to meet upon this negotiation, and in the mean time her Majesty endeavoured, as well by her own Ministers at *Madrid*, as by pressing the Spanish Minister, who was then here, to induce the Catholic King to facilitate this matter as much as possible, and particularly on the head of the privileges of the *Catalans*, in which the Minister of *France* concurred with the greatest earnestness. But it soon appeared that his Catholic Majesty, who saw the advantage which the conduct of the Imperial court gave him, would hardly be prevailed upon to grant any thing more than a general act of oblivion, and a restitution of honours and estates.

On the 14th of *March*, N. S. 1713, the convention for the neutrality of *Italy*, and the evacuation of *Catalonia* was executed by her Majesty's Ministers on behalf of the *Emperor*, and by those of *France*, and by those of the King of *Spain*, and the article concerning the privileges of the *Catalans* left undetermined, a right being reserved to her Majesty to insist, whenever the *Emperor* should treat of peace, that those privileges should be preserved to them; and the most *Christian* King declaring that he would concur with the Queen to the same end.

‘ In *May* 1713, the *treaty* of peace between her Majesty and the Catholic King was signed provisionally here, and in *July*, definitively at *Utrecht*, whereby there is not only an absolute amnesty, with a full possession of all their estates and honours, but also the privileges of the *Castilians* granted to the *Catalans*; which *article* is at least in this respect considerable, that the people of *Catalonia* are thereby intitled to hold any employments in the *West-Indies*, or to trade directly thither, in as full and ample manner as the people of *Castile*, from which they were formerly as much excluded as any foreign nation whatever.

‘ The preservation of their *antient* privileges is neither granted nor directly refused by this *article*; so that the Queen, either when the peace shall come to be *treated* between their Imperial and Catholic Majesties, or on any other favourable *occasion which may* offer itself, is at liberty to renew her applications upon this head. In the mean time, it is certain, that the refusal of the people of this principality, as well as the island of *Majorca*, to submit to the Catholic King, when in pursuance of the *treaty* of *neutrality*, these countries were evacuated by the Emperor’s forces; and their obstinate resistance since that time, must have rendered the obtaining of their privileges still more difficult, if that be possible, than it was.

‘ If the *ancient* privileges of these people in their full *extent* were not obtained, it *must be attributed* to those who rendered it impracticable to *treat* effectually for them, before the withdrawing of the Queen’s forces out of *Catalonia*; and if their condition is become since more desperate, those are only to answer for it, who have encouraged them not to submit a second time to their Prince, with the hopes of relief, which they who gave such

‘ hopes

‘ hopes must have known themselves in no condition of making good.

‘ From this *state* of the several *treaties* between her Majesty, her allies, and *France* and *Spain* ; by this account of the general *negociations* of peace, and of the particular case of the *Catalans*, the reasonableness of all the steps her Majesty has taken, and those designs which have been pursued at first to wrest the *negociation* out of her hands, and since to unravel all that had been done, and to throw us into confusion, will sufficiently appear.’

On *Thursday* the 15th of *April*, the Commons considered the *state of the nation*, with regard to the protestant succession, in a Committee of the whole house, of which Mr. *Freeman* was chosen Chairman. After the reading of the several papers that had been laid before the house, relating to the Pretender's being removed out of the Duke of *Lorraine's* dominions, to the negotiations of peace, to the demolition of *Dunkirk*, and to *passports* granted to persons outlawed or attainted : A motion was made by Sir *Edward Knatchbull*, and the question put, ‘ Whether the protestant succession in the house of *Hanover* be in danger under her Majesty's government ?’ Mr. Secretary *Bromley* endeavoured to prove the negative, by representing what her Majesty had done for securing that succession, and removing the Pretender from *Lorraine*. He was answered by Mr. *Walpole*, who with a great deal of vivacity, shewed the protestant succession to be in danger, not from her Majesty, but from the dubious conduct of some persons ; and therefore insisted, that her Majesty might not be mentioned in the question. Mr. *Campion* having spoken in vindication of the Ministry, the Earl of *Hertford* answered him. The Lord *Hinchinbroke* expressed likewise his fears of the protestant succession being in danger ; from the encouragement that was given

The Commons considered the state of the nation.

to the *Pretender's* friends, particularly in *North-Britain* ; which his Lordship had an opportunity to observe when he was there with the regiment in which he had a troop. After some other speeches on both sides, the court party being apprehensive that the question would go against them, endeavoured to drop it, by moving, that Mr. *Freeman* should leave the chair ; hereupon Sir *Thomas Hanmer*, the Speaker, made a memorable speech, importing, in substance, ' That he was sorry to see that endeavours were used to wave that question, and stop their mouths : But he was of opinion this was the proper, and, perhaps, the only time for patriots to speak. That a great deal of pains were taken to screen some persons, and in order to that, to make them over-look the dangers that threatned the Queen, the nation, and the *protestant* succession. That for his own part he had all the honour and respect imaginable for her Majesty's Ministers ; but that he owed still more to his country than to any Minister. That in this debate, so much had been said to prove the succession to be in danger, and so little to make out the contrary, that he could not but believe the first ; and thereupon he took notice of Sir *Patrick Lawless* being suffered to come over and admitted to an audience of her Majesty.' This speech had a great influence on all *unbyassed* and *unprejudiced* members, but nevertheless, after a warm debate, that lasted till towards nine o'clock in the evening, it was resolved, by a majority of 256 voices against 208 : *First*, ' That it is the opinion of this Committee, that the *protestant* succession in the house of *Hanover* is in no danger under her Majesty's government. *Secondly*, That it is the opinion of this Committee, that the house be moved humbly to address her Majesty, returning the thanks of the house to her Majesty, for the instances she has used for the removal of the *Pretender* from the dominions

‘ nions of the Duke of *Lorrain*, and humbly desiring *her Majesty* to insist upon, and renew her instances for, his speedy removal from thence.’

The next day, Mr. *Freeman* reported these two resolutions to the house, and the first being read a second time, there arose a *debate*, in which Mr. *Walpole*, Mr. *Lechmere*, and General *Stanhope*, made very fine speeches. Mr. *Walpole*, among other things, ‘ applauded the public spirit the Speaker ‘ had shewn the day before, but added, he dispaired of seeing truth and justice prevail, since notwithstanding the weight of a person of his known integrity, merit, and eloquence, the majority of ‘ votes had carried it against reason and argument.’ General *Stanhope* endeavoured to prove the *protestant* succession to be in danger by this single, but forcible *induction*, or *conjunctive syllogism*, ‘ that as it ‘ was universally acknowledged it had been the ‘ *French King’s intention*, so it was still his *interest*, ‘ and he had it now more than ever in his *POWER*, ‘ to restore the *PRETENDER*.’ However, he question being put, upon the first resolution, the same was agreed unto, without a division; as was also the second resolution.

The Commons vote the protestant succession not to be in danger, &c.

On the 17th of *April*, upon a message from the Lords by Mr. *Baron Price*, and Mr. Justice *Powys*, Junior, That the Lords had agreed to an humble address to be presented to *her Majesty*, to which they desired the concurrence of the house, the said address was twice read; after which the messengers who had withdrawn, were called in, and acquainted, that this house would consider of the address sent from the Lords; and then send an answer by messengers of their own. This done, some members moved, that the house would immediately concur with the Lords in their address, which was opposed by others, and occasioned a warm debate; After which it was resolved to present three ad-

Debate about the Lords address in the house of Commons.

Papers called for.

dress to *her Majesty*, that she would be pleased to direct the proper Officers to lay before the house, *First*, 'The *treaties of peace and commerce* between *her Majesty* and the King of *Spain*, and the instructions given to *her Majesty's Ambassadors* thereupon, 'together with the copies of the King of *Spain's* ratifications of the said *treaties*, and the *preliminaries* signed by the Lord *Lexington* and the Marquis of *Bedmar* at *Madrid*, and all other *agreements* and *stipulations* which had been made concerning the *commerce* between *Great-Britain* and *Spain*. *Secondly*, An account what engagements of guaranty *her Majesty* has entered into by virtue of any *treaty* with any foreign Prince or State from the year 1710. *And thirdly*, An account what instances had been used by *her Majesty* for the restoring to the *Catalans* their *ancient* privileges, and all *letters* relating thereunto.' And then it was resolved, 'To take into further consideration the message that day sent from the Lords, upon *Thursday* next following.' After this, the consideration of that part of *her Majesty's* speech relating to *libels*, was further put off to that day fortnight; and Mr. Secretary *Bromley* acquainted the house, that, pursuant to their address for the *Pretender's* speedy removal from *Lorrain*, *her Majesty* had been pleased to declare, that *she would insist upon and renew her instances, as this house desired*.

The Commons concur with the Lords in their address.

April 22d, the house took into consideration, the message from the Lords of the *Saturday* before, upon which there arose a very warm debate, that lasted from one, till six o'clock in the afternoon, when it was resolved, *First*, 'That the blank in the address be filled up with the words, *and Commons*. *Secondly*, That the house doth agree with the Lords in the said address, to be presented to *her Majesty*: And ordered, that Mr. Chancellor of the *Exchequer* do carry the address to the Lords, 'and acquaint them with these two resolutions.'

On

On *Saturday* the 24th of *April*, both houses attended her Majesty with the said address, which was as follows.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal, and Commons, in Parliament assembled, beg leave to express the just sense which we have of your Majesty's goodness to your people, in delivering them by a **SAFE, HONOURABLE** and **ADVANTAGEOUS** peace with *France* and *Spain*, from the heavy burthen of a consuming war, unequally carried on, and become at last impracticable. And we do most earnestly intreat your Majesty, that you will be pleased, with the same steadiness, notwithstanding all the obstructions which have been, or may be, thrown in your way, to pursue such measures as you shall judge necessary, for compleating the settlement of *Europe*, on the principles laid down by your Majesty, in your most gracious speech from the throne.

Address of both houses upon the safe, honourable and advantageous peace.

Her Majesty's answer to this *grateful address*, was as follows :

My Lords and Gentlemen,

THE state of public affairs in Europe, as well as the necessities of my own kingdoms, obliged me to enter into a negotiation of peace, and notwithstanding all obstructions and difficulties, I have, by the blessing of God, brought it to a happy conclusion.

I esteem this address as the united voice of my affectionate and loyal subjects; and I return you all the heartiest thanks, which can be given by a Sovereign, who desires nothing more, than to see her people safe and flourishing.

Bill to prevent the growth of schism, ordered to be brought in.

On the 12th of May, upon a motion made by Sir William Wyndham, the 8th, 9th, 10th, and 11th sections, of the statute of the 13th and 14th year of King Charles II, intituled, *An an for the uniformity of public prayers, and administration of sacraments, and other rites and ceremonies, and forestablishing the form of making, ordaining, and consecrating Bishops, Priests, and Deacons in the Church of England*, were read: After which it was ordered, That leave be given to bring in a bill to prevent the growth of schism, and for the farther security of the Church of England, as by law established; and, that Mr. Chancellor of the Exchequer, Mr. Cholmondley, Mr. Comptroller, Sir Arthur Kay, Mr. Campion, Lord Down, Mr. Finch, Mr. Gore, Mr. Secretary Bromley, Mr. Windsor, Sir William Whitlocke, Dr. Paske, and Mr. Aldworth, do prepare and bring in the same.

Address intended against the troops of Hanover.

After this it was resolved to address her Majesty, for a copy of the instructions given to the Earl of Strafford, with relation to the declaration made by him, on the part of her Majesty, to the Ministers of the several allies, who had any troops in her Majesty's pay, before the cessation of arms: Which address was generally looked upon to be made in order to find a pretence, not to pay the arrears due to the troops of the most serene Elector of Hanover, and lately demanded on the part of his electoral Highness; because upon the cessation of arms, those troops refused to obey the Duke of Ormond, and rather chose to follow Prince Eugene, with the rest of the confederates.

May the 21st, Mr. Secretary Bromley acquainted the Commons, ' That the States-General having
' sent a letter to her Majesty upon their demand of
' the arrears, due to the thirteen Dutch regiments,
' which have formerly served the crown of England,
' she had commanded him to lay a copy thereof
' before this house;' Which he did accordingly,
and

and the same was ordered to lie on the table. The same day, Sir *William Wyndham* presented to the house, *A bill to prevent the growth of schism, and for the further security of the Church of England, as by law established*: Which was read the first, and ordered to be read a second time. Then the bill for making inclosures of some part of the common grounds, in that part of Great-Britain called England, for endowing poor vicarages and chapelries, for the better support of their Ministers, was read a second time, and committed to a Committee of the whole house, who were empowered to receive a clause, to exempt the lands that shall be inclosed by virtue of the said bill, from paying tythes, where the impropriations are in Lay hands.

Bill against
schism.

Bill for in-
closing
common
grounds.

On the 22d of May, a bill was ordered to be brought in, for vesting the revenues and rents which did belong to the Archbishops and Bishops of that part of Great-Britain called Scotland, in her Majesty, her heirs and successors, to be by them applied, for the support and maintenance of such of the episcopal clergy there, who shall take and subscribe the oaths of allegiance, supremacy, and abjuration, and shall pray for her Majesty, and the Princess Sophia, in express words, and conform to the liturgy of the Church of England: And at the same time, it was resolved, to address her Majesty, for an account what rents and revenues, formerly belonging to the Archbishops and Bishops in Scotland, are now vested in the crown, what grants have been made out of the same, to what uses, and upon what considerations.

Bill for re-
suming episc-
opal lands
in Scotland.

On Monday the 24th of May, the bill to prevent the growth of schism, was read the third time, and committed to a Committee of the whole house: And besides this, and other bills in favour of the established Church, another bill was the same day ordered to be brought in, for the better support and maintenance of Curates, within the Church of England, who supply the places of Rectors and Vicars not resid-

Bill for the
better main-
tenance of
Curates.

ing

ing upon their rectories and vicarages ; with an instruction to the Gentlemen appointed to prepare and bring in the said bill, that they should provide therein, for the preventing the sale of the next avoidance of any ecclesiastical living with cure of souls.

Bill to prevent schism.

On the 26th of *May*, the Commons, in a committee of the whole house, went through the *bill to prevent the growth of schism, &c.* and made several amendments to it, which were the next day reported and agreed to ; and another amendment being made by the house to the bill, the same, with the amendments, was ordered to be engrossed.

Bill against schism read the third time.

Debate about it.

On the first day of *June* Sir *Peter King* presented to the house, *A bill for the better maintenance of Curates within the Church of England, and for the preventing the sale of the next avoidance of ecclesiastical benefices :* Which was received, read the first time, and ordered a second reading. The same day, an engrossed *bill to prevent the growth of schism, and for the further security of the Church of England as by law established*, was read the third time, and the question being put, *That the bill do pass*, the same occasioned a warm debate. Mr. *Hampden*, Mr. *Walpole*, General *Stanhope*, Mr. *Lechmere*, Sir *Peter King*, and Sir *Joseph Jekyl*, exerted their abilities and eloquence in opposing this bill ; representing, among other things, that it tended to raise as great a persecution against our *protestant* brethren, as the primitive *Christians* ever suffered from the heathen Emperors, particularly *Julian* the apostate. Mr. *Stanhope* shewed, in particular, the ill consequences of this law, as it would of course occasion *foreign education*, which, on the one hand, would drain the kingdoms of vast sums of money ; and, which was still worse, fill the tender minds of young men with prejudices against their own country. He illustrated and strengthened his reasoning by the example of *English popish* seminaries abroad, which he said were so pernicious to *Great-Britain*, that instead

of

of making new laws which will encourage foreign education, he could wish those already in force against *popish* schools were mitigated. The chief *sticklers* for the bill were Mr. *Bromley*, principal Secretary of state, Sir *William Wyndham*, Mr. *Collier*, and Mr. *Hungerford*. Mr. *Bromley* said, among other things, ‘ That the dissenters were equally dangerous both to Church and State ; and if the members who spoke in their behalf would have this bill drop, he would readily consent to it, provided another bill were brought in, to incapacitate them either to sit in that house, or to vote in elections of members of Parliament.’ Mr. *Walpole* answered this speech with a great deal of vivacity : After which Mr. *Hungerford* recapitulated, and laboured to answer what had been said by the *Whig* members. Mr. *Collier* backed Mr. *Hungerford* ; and, in order to expose the dissenters, he desired leave to read to the house, a collection of *absurdities* and *impious expressions*, which he pretended to have culled out of their writings. After the reading of part of this, he fell on a passage taken out of the writings of the late Mr. *Hickeringill* Minister at *Colchester*, wherein Mr. *Collier* pretended he averred that our BLESSED SAVIOUR *was a son of a W—*. At these shocking expressions, Mr. *Bromley* stopt him short, saying, *such impious words ought not to be expressed in that assembly*. Some other members observed, on the other hand, *First*, that the late Mr. *Hickeringill* was not a *dissenting Teacher*, but a Minister of the Church of *England* ; and *Secondly*, that he was known to be *crack-brained* ; so that his *extravagancies* and *blasphemies* proved nothing against the dissenters. Mr. *Lechmere* spoke against the bill with a great deal of vehemence ; and, among other things, took notice, ‘ That the indulgence granted to *protestant dissenters* since the revolution, had been so far from hurting the
‘ Church,

The bill
pass.

‘ Church, that it had rather enlarged its pale ; and
‘ that it was notorious, that some persons who had
‘ been bred among *schismatics*, were, or, at least,
‘ pretended to be, the strongest supports of the
‘ established Church.’ Several other speeches were
made for and against the bill ; but whoever got the
better in point of reasoning, it was carried by a ma-
jority of 237 voices, against 126, *That the bill do*
pass ; and *ordered*, that Sir *William Wyndham*, Chan-
cellor of the *Exchequer*, who brought in the bill,
should carry it to the Lords, and desire their con-
currence.

Before we proceed, it will not be amiss to take
notice, that the public were divided in their opi-
nions, whether the Lord Treasurer was for or
against this bill ? They who held the negative,
supposed, that there having been of late some mis-
understanding between him and the Lord *Boling-
broke*, the latter, in order to strengthen his party,
was willing to sacrifice the *dissenters*, whom the
Lord Treasurer still entertained with promises of
supporting their interest. But others, and the far
greater number, looked upon the apparent * cold-
ness between those two great men, either as *chime-
rical*, or as a *political artifice to amuse and divide* their
joint-enemies.

* See a
pamphlet
called, *The*
grand my-
stery laid
open, &c.
p. 19.

Be that as it will, it was observed, that the Lord
Harley, *Thomas Harley*, Esq; lately returned from
Hanover, and, in short, all the Lord Treasurer’s
friends, except his own Brother, the Auditor, voted
for the bill, which the next day was carried to the
house of Lords.

Their Lordships thought fit to proceed with the
maturest deliberation in an affair of so great im-
portance ; and therefore put off the first reading of
the *bill* till *Friday* the fourth of *June*, when the
Lords in and about *London* were summoned to at-
tend. In the mean time the *presbyterians*, *quakers*,
and foreign *protestants* were not idle ; for besides
their

their private solicitations, they and their friends represented, in print, the hardships and inconveniences of such a law: The first remarkable paper, that was published about that matter, was the following letter to a member of Parliament, relating to the bill for preventing the growth of schism, &c.

‘ YOU have so often declared your dislike of all persecution for conscience sake, and the sense you have of the equity and justice of that toleration which we have so long enjoyed by law, though you stand in no need of it yourself, that we are encouraged to represent to you the deep concern we are under, on account of the bill now before you.

Letter to a member of Parliament against the schism bill.

‘ What it is that has raised the resentments of your honourable house against us at this juncture, we cannot tell: But if we were not justly sensible of your displeasure, we should be altogether unworthy of your favour; and therefore we flatter ourselves, that a fair and modest representation of the grievances we are threatned with, will not only be pardoned, but approved.

‘ By the account we have of this bill (which comes in so surprizingly, and moves with such expedition) we apprehend it will bring very great and undeserved hardships upon us, partly by reviving some clauses in a former law, and then laying us under new restrictions and penalties.

‘ The recital of the act of uniformity in the preamble, and particularly of those clauses in it relating to the qualifications of such as teach schools, and the enacting part that follows, put it out of all doubt, that we are to expect a very severe execution of that law.

‘ It is not for us to arraign the laws of our country; but we hope Gentlemen will consider,

‘ That even in that very reign, in which the act of uniformity was made, it was more than once

‘ recom-

‘ recommended from the throne, that ease and indulgence should be given to *dissenting Protestants*,
‘ and that they were generally connived at in the
‘ matter of their schools, of which they had many,
‘ and some very considerable ones, both in city and
‘ country.

‘ That we have now, for several years, enjoyed
‘ an act of toleration, by which many of the penalties in that of uniformity (as well as other acts)
‘ stand suspended, under the qualifications therein
‘ specified: Which toleration we have been often
‘ assured, was then, and still is, designed to be
‘ made good and effectual; and therefore cannot
‘ but include in it all the necessary means for obtaining the ends of it; of which, we take this liberty of directing the education of our children to
‘ be a principal one.

‘ This we rather believe, because, though in that
‘ act of indulgence the clauses in the act of uniformity be not expressly repealed, yet we were at that
‘ time in the free and actual enjoyment of the liberty of teaching schools; and since that time,
‘ when prosecutions have been set on foot for it,
‘ they have generally been rather discountenanced by
‘ the government, than executed with rigour.

‘ And we have always thought this tenderness
‘ has proceeded, from a just sense of the expediency
‘ of allowing us that freedom of education, to
‘ make the toleration more firm and secure to us,
‘ and more safe and inoffensive to the established
‘ church: Since without this, in process of time,
‘ we must be left destitute of a learned ministry, or
‘ else be obliged to send our children abroad for
‘ that literature they are denied at home: Either
‘ of which cases must be attended with manifest
‘ and very great inconveniencies, not only to our
‘ selves, but the nation.

‘ These

‘ These things we mention with all due submission, and hope that upon impartial consideration it will be evident, how unreasonable it must be to execute any laws in being, with rigour, meerly for our conscientious care to educate our children in the best manner we are able.

‘ But that which is much more afflicting to us in the bill now before you, is, that it will lay us under still greater incapacities, and subject us to greater hardships for the discharge of that duty we owe to God, and our children in their education.

‘ Hereby *Protestant Dissenters* are not only debarred from teaching grammar-schools, and academical learning; but this incapacity is now extended to reading, writing, and other literature. And how far these general words (*other literature*) may be carried in construction, who can tell?

‘ By this means many poor men and women, who make a hard shift to support themselves and families by teaching to read, will be reduced to extreme want, and brought as a charge upon the places where they live, and some of these are *French Protestants*, Ministers, and others that have forsaken all for conscience sake.

‘ As for those who teach writing and arithmetic, the case appears still harder; for this is really a trade, to which, in many places, and particularly in the city of *London*, youth are put apprentices, and serve seven years, and then have their freedom, as those that have served to any other calling. This therefore takes away our civil as well as religious privileges.

‘ And if it should farther restrain masters of ships from teaching their apprentices the art of navigation, how prejudicial would this be to our trade and nation.

‘ It

‘ It appears also to us, that this bill will extend
 ‘ even to the charity schools, which have been set
 ‘ up by *Dissenters*, into which they have taken the
 ‘ children of poor people, without any distinction,
 ‘ and taught them at very considerable charges to
 ‘ read and write, and have cloathed some of them,
 ‘ and make it a rule never to put any thing upon
 ‘ the children, which the consciences of the parents
 ‘ do not allow of. Several such schools are set up
 ‘ both in *London* and the country, principally main-
 ‘ tained by the *Dissenters*: Many of whom, not-
 ‘ withstanding this, do still contribute very libe-
 ‘ rally to those other charity-schools, that are regu-
 ‘ lated according to the usage of the church of
 ‘ *England*.

‘ We think it very severe, that every school-
 ‘ master or mistress is not only obliged to receive
 ‘ the sacrament, according to the usage of the
 ‘ church of *England*, but restrained ever after from
 ‘ worshipping God among the *Dissenters*: In which
 ‘ we observe, they are not allowed the benefit of
 ‘ meeting within the limited number of four, as by
 ‘ the *act against conventicles*, which is now enlarged
 ‘ to nine by the *act against occasional conformity*,
 ‘ which is a hardship that was never yet put up-
 ‘ on us.

‘ And yet this bill proceeds further; and even
 ‘ after these school-masters and mistresses have
 ‘ thoroughly conformed to the Church, as by law
 ‘ established, and totally left our way of worship,
 ‘ they are forbidden to teach the *Assembly's Catechism*,
 ‘ or any other than that set forth in the liturgy of
 ‘ the Church of *England*, or an exposition thereof
 ‘ already allowed, or hereafter to be allowed by
 ‘ the Bishop of the diocese, &c. This clause will
 ‘ not only lay a restraint upon those school-masters,
 ‘ &c. that do conform, many of whom have taught
 ‘ other catechisms; but now our children must not
 ‘ be

' be catechised at all in schools, since they not having Godfathers and Godmothers, are uncapable of answering with truth to several questions, put in the church catechism.

' This restraint appears the more unreasonable, because the assembly's shorter catechism, which is generally taught by *dissenters*, contains nothing in it but what is perfectly agreeable to the doctrinal articles and homilies of the church of *England*, not meddling with church government and discipline.

' Besides all this, we shall find ourselves greatly aggrieved at the way and manner in which this law is to be executed, which, according to the bill, is to be by a summary process without any Jury, or benefit of *Certiorari* ; by which we shall be subjected to the will and pleasure of a few Justices of the peace, who will hereby be empowered to conclude us guilty without appeal.

' And (which wounds us to the very heart) all this is to come upon us for no other crime than our conscientious dissent from the church, as by law established, and our care to bring up our children in the best way and manner we can, for their present and everlasting welfare.

' We are sensible of the benefit of a religious education, and would gladly have our children to enjoy that advantage. We ourselves must be at the expence of their instruction, none can love them better than we do ; none are so immediately and directly charged by the great God with their education as we are ; none can be more solicitous to find out for them such instructors as shall set them a good example, and have a watchful eye over them, that their tender minds may not be early defiled with vanity and vice.

' We desire not to have them trained up in prejudices to any body of *protestants* in the nation, nor perplexed with matters of doubtful disputa-

' tion ; we desire they may be left as free and un-
 ' byassed as can be in any such things, till they are
 ' capable of forming a judgment for themselves ;
 ' and who can blame us, if we would not have
 ' them, in their childhood, taught to despise and
 ' reproach what their parents esteem nothing but
 ' but plain scriptural *christianity* ? We would not
 ' have prejudices infused into them so early against
 ' our own profession and practice, which must ne-
 ' cessarily destroy that reverence they ought to have
 ' for us, very much disturb the order and peace of
 ' our families, and lessen the pleasure and comfort
 ' we promise ourselves in them.

' And we hope we shall be pardoned, if we
 ' cannot conceal the apprehensions we have, that
 ' should this bill pass into a law, it might open the
 ' way to still greater severities. We would, as
 ' much as possible, avoid any offensive insinuations,
 ' and yet cannot but observe that among the arts
 ' that *Julian* used to extirpate *christianity*, one was
 ' to lay a restraint upon their schools. Though he
 ' did not proceed so far as to suppress them whol-
 ' ly, those schools were prohibited in which rhe-
 ' toric and philosophy were taught, that the pro-
 ' fessors of *christianity* might be rendered incapable
 ' of defending it.

' The extirpation of the reformed religion in
 ' *France*, was introduced by the prohibition of
 ' their schools ; first of those in which the liberal
 ' arts and sciences were taught, in the year 1670,
 ' while the reformed had still liberty to teach read-
 ' ing, writing, and accounts ; but the very next
 ' year they were limited to one school in a town,
 ' and that only in those places where the public
 ' exercise of their religion was permitted, which
 ' was then confined to a narrow compass, and
 ' soon after wholly taken away.

' We

‘ We are far from thoughts of comparing the church of *England* to *paganism* or *popery* ; but since we know our dissent is conscientious, by how much less the things are supposed to be, in which we differ from you, so much the more reason we have to expect favour and indulgence at your hands.

‘ We lay a very great stress upon the repeated assurances we have had from the throne, that our liberty shall be preserved inviolable ; and on the declaration made to the same effect in some acts of Parliament, particularly that *against occasional conformity*. And yet, when we see such infringements and restrictions one after another, put upon our liberty, we cannot be without very afflicting apprehensions what the consequence of these things may be ; especially since it is still suggested, that the church of *England* wants further securities. How far the jealousies some have conceived against us may be carried, we cannot tell ; or whether ever they will be removed, while we have any liberty, or even place, left us in our native country.

‘ We are not conscious to ourselves, that we have wilfully abused the indulgence we have so long enjoyed : It having been our care to avoid the just displeasure of our superiors. And while we see the favours that have been dispensed to those in *North-Britain*, who dissent from the established church there, and observe her Majesty’s commendable and pious zeal to recover and secure to our *protestant* brethren beyond sea, the free enjoyment of their civil and religious rights, we hope, we shall not be the only body of *protestants* in this part of the world, and even in this serene and pacific government, that shall be forced to labour under increasing and undeserved burthens.

‘ We have taken this freedom, *Sir*, to express
 ‘ our thoughts to you, not only as you are one of
 ‘ our representatives, but because many of us are
 ‘ known to you, and have been favoured with your
 ‘ friendly conversation. And we leave it with you
 ‘ as our humble request, that if any thing we have
 ‘ here suggested shall appear to you reasonable and
 ‘ proper, you would offer it to the house in that
 ‘ advantageous manner, which is usual with you.
 ‘ In the mean time we shall not cease to commit
 ‘ ourselves, our posterity, and all our cause, to
 ‘ that great and good GOD, who is *wonderful in*
 ‘ *counsel, and excellent in working.*’

At the same time, the *presbyterians*, or protestant
dissenters, laid before the Peers the following *reasons*
 against the bill :

Reasons of
 the Presby-
 terians a-
 gainst the
 bill.

‘ 1. **I**T will in a great measure frustrate the act
 ‘ of toleration. 2. The act of toleration al-
 ‘ lowing preachers to congregations of *dissenting pro-*
 ‘ *testants*, must imply an allowance for preparatory
 ‘ learning, agreeable to their own persuasion.
 ‘ 3. It will be practising the contrary at home, to
 ‘ what her Majesty with so much zeal hath been
 ‘ endeavouring for the persecuted *protestants* abroad.
 ‘ 4. It will immediately ruin some thousands of fa-
 ‘ milies ; and as it may be extended in the execu-
 ‘ tion, it is hard to know how far it may prove a
 ‘ detriment to many trades and employments.
 ‘ 5. It will deprive parents of the liberty of edu-
 ‘ cating their children according to their own sen-
 ‘ timents and conscience, which is a right founded
 ‘ in nature, and so far claim’d by every man, that
 ‘ there are none but must think it one of the great-
 ‘ est hardships to be deprived of it. 6. Such a
 ‘ method taken by *protestants* with their brethren
 ‘ of the same religion, will lead the way to, and
 ‘ be a stronger plea for, *papists* in the like practices
 ‘ upon

‘ upon *protestants*, wherever they have power.
 ‘ 7. It may be of dreadful consequence to have it
 ‘ left in the power of a single Justice of the peace,
 ‘ to interpret this law, and to have no farther way
 ‘ of relief, than by appeal to the quarter-sessions,
 ‘ and at the same to be liable for the same offence
 ‘ to a vexatious prosecution in the ecclesiastical
 ‘ courts. 8. It has a tendency farther to divide
 ‘ and alienate protestants one from another, which
 ‘ will be a means to weaken the *protestant* interest,
 ‘ and strengthen the common enemy. 9. It does
 ‘ not appear how this bill is consistent with what has
 ‘ been declared to be the doctrine of the Church of
 ‘ *England*.’

The people called *Quakers*, did also follow the bill to the house of Peers, with the following reasons against it.

1. **T**HE *Church of England*, has frequently declared, by several of her members, in a clerical as well as civil capacity, by those who framed or espoused one or more of the bills against *occasional conformity*, that *she is in principle against persecution, and for preserving the toleration*.
 2. The promoters of this bill may please to remember, that the Queen hath declared from the throne, that she will *maintain the toleration inviolable*.
 3. The *protestant* subjects of this kingdom, who are parents of children, are supposed to have preserved to them, by the fundamental laws of this kingdom, the natural right of the care and direction of the education of their own children; which natural right this bill seems calculated to take away and destroy.
 4. If the governments, which are now *heathen* or *mahometan*, should fall into the same policy, the society which the Queen hath incorporated for the propagation of the gospel in foreign parts, can have very little, if any good effect

The *Quakers* reasons against it.

effect or success. 5. May it not seem an objection and contradiction to the many princely and *christian* solicitations, which the Queen by her Ministers hath made at foreign courts, on the behalf of the *protestants*, against the violent intrusions of *papists*, into their rights and just privileges? 6. It may be a means to oblige the carrying out of large sums of money for foreign education. 7. It may probably do much hurt to the charitable foundations. 8. It seems not to be agreeable to that great law of *Christ*, Matt. VII. 12. *Therefore all things whatsoever ye would that men should do to you, do ye even so to them: For this is the law and the prophets.*

At the same time the *Dutch* and the *French* *protestant* Churches in *England*, since King *Edward* the VIth, laid their *case* before the Lords, as follows:

Case of the
Dutch and
French *pro-*
testant
churches.

THAT they were first allowed and established in the reign of King *Edward* the sixth, and afterwards in the reign of Queen *Elizabeth*, and have now continued in this nation for above one hundred and sixty years. That those Churches were and are composed of such persons, who themselves and their ancestors, fled out of the *Netherlands*, *France*, or other parts beyond the sea, from popish persecution. That they have introduced into this realm, several very great and profitable manufactures. That they have always continued very *dutiful* and *loyal* to the crown and government. That in the act of Uniformity, made in the 13th and 14th years of King *Charles* the second, there is provision made, and a clause inserted in favour of the said Churches. That to make the foreign Churches liable to penalties, as if they were *schismatics*, would be contrary to the principles of the Church of *England*, who hath declared

clared, that she doth condemn no other nation, as appears at the head of *common-prayer* books. And the same would furnish *papists* with a strong argument for persecution abroad, and contradict her Majesty's character, of being the head of the *protestant* interest in *Europe*: And how contradictory would it look, if that was condemned at home, for which her Majesty was pleased to interpose her royal authority at this very time, in relation to *protestants* in *Germany*. That by the bill depending (for preventing the growth of schism, and for the further security of the Church of *England*, &c.) those that shall be present at the public worship of the said *Dutch* and *French* Churches, may be liable to the incapacities in the said bill mentioned, unless a clause be inserted for their exemption. *Wherefore it is humbly hoped, that a proviso or clause may be added, for that purpose, they performing their exercise in the Dutch and French languages.*

On *Friday* the fourth of *June*, the Lords in a full house, read the *bill* in question, the first time, and the Lord *Bolingbroke* said, 'It was a bill of the last importance, since it concerned the security of the Church of *England*, which is the best and firmest support of the monarchy, both which, all good men, and, in particular that august assembly, who derive their lustre from, and are nearest, the throne, ought to have most at heart: And therefore his Lordship moved, that it should be maturely considered, and, in order thereto, that it might be read a second time.' Hereupon the Lord *Cowper* said, 'No man was more ready than himself to do every thing that should be necessary to attain the seeming intention of this bill, viz. *The preventing the growth of schism, and the further securing of the Church of England*: But, that the enacting part, would be so far from answering the

The bill read the first time by the Lords. Debate about it.

The Lord *Cowper's* speech against the bill.

‘ title of it, that, in his opinion, it would have a
 ‘ quite contrary effect, and prove equally pernicious
 ‘ to *church* and *state*.’ His Lordship enlarged on
 those two heads, in a discourse of near half an hour;
 and among other things represented, ‘ That instead
 ‘ of preventing *schism*, and enlarging the pale of the
 ‘ Church, this *bill* tended to introduce *ignorance*, and
 ‘ its inseparable attendants, *superstition* and *irreligion*.
 ‘ To this purpose his Lordship took notice, that in
 ‘ many country towns, *reading*, *writing*, and *gram-*
 ‘ *mar-schools*, were chiefly supported by the *dissenters*,
 ‘ not only for the instruction and benefit of their
 ‘ own children, but likewise of those of the poor
 ‘ church-men; so that the suppressing of those
 ‘ schools, would, in some places, suppress the read-
 ‘ ing of the holy scriptures.’ On the other hand
 his Lordship observed, ‘ That this bill struck at
 ‘ the ancient rights and prerogative of the house of
 ‘ Peers, which, by the constitution, is the supreme
 ‘ court of judicature, and the *dernier resort* in all
 ‘ causes, whereas by this bill, the *Justices of the*
 ‘ *peace* were empowered finally to hear and determine
 ‘ the offences against the same: My Lords, added he,
 ‘ I would rather enlarge than abridge the power of
 ‘ *Justices of the peace*, were it but to encourage
 ‘ Gentlemen to take upon them an office so trou-
 ‘ blesome, and, at the same time, so unprofitable,
 ‘ unless it be perhaps, in the county of *Middlesex*:
 ‘ But, my Lords, I shall never consent to give up
 ‘ the birth-rights, and ancient privileges of this
 ‘ august assembly, of which I have the honour to
 ‘ be a member.’

The Earl of
Wharton's
 speech a-
 gainst the
 bill.

The Earl of *Wharton* spoke afterwards, with a
 great deal of eloquence, and the substance of his
 discourse was, ‘ That he was agreeably surprized
 ‘ to see, that some persons were on a sudden be-
 ‘ come so *religious* as to set up for patrons of the
 ‘ Church: But that he could not but wonder, that
 ‘ the persons who had been educated in *dissenting*
 ‘ *aca-*

' *academies*, which he could point at, and whose
 ' tutors he could name, should appear the most for-
 ' ward in suppressing them. That this would be
 ' but an indifferent return for the benefits the public
 ' had received from those schools, which had bred
 ' those great men, who had made so *glorious a peace*,
 ' and *treaties that execute themselves*; who had ob-
 ' tained so great advantages for our commerce; and
 ' who had paid the public debts, without *further*
 ' *charge* to the nation: So that he could see no rea-
 ' son there was to suppress those *academies*, unless
 ' it were an apprehension, that they might still pro-
 ' duce greater genius's, that should drown the me-
 ' rits and abilities of those great men. My Lords,
 ' continued he, to be serious, it is no less melan-
 ' choly than surprizing, that at a time, when the
 ' court of *France* prosecutes the design they have
 ' long since laid, to extirpate our holy religion;
 ' when not only seeret practices are used, to impose
 ' a *popish pretender* on these realms, but men are
 ' publicly enlisted for his service: It is melancholy
 ' and surprizing, I say, that at this very time, a *bill*
 ' should be brought in, which cannot but tend to
 ' divide *protestants*, and consequently to weaken
 ' their interests, and hasten their ruin: But then the
 ' wonder will cease, if we consider what mad-men
 ' were the contrivers and promoters of this bill.'
 My Lord *Wharton*, excepted also against the word
schism, with which the frontispiece of this bill was
 set off; and said, ' It was somewhat strange, they
 ' should call *schism* in *England*, what is the *establisht*
 ' *religion* in *Scotland*; and therefore, if the Lords,
 ' who represented the nobility of that part of *Great-*
 ' *Britain*, were for this bill, he hoped, that in order
 ' to be even with us, and consistent with them-
 ' selves, they would move for the bringing in ano-
 ' ther *bill to prevent the growth of schism in their*
 ' *country*.' He said also on another occasion, for
 his Lordship spoke more than once, ' That both in
 ' this

‘ this bill, and in the speeches of those who declared for it, several laws were recited and al-
 ‘ ledged: But that there was a law that had not
 ‘ yet been mentioned: I expected, *added he*, that
 ‘ *venerable bench*, turning to the Bishops, would
 ‘ have put us in mind of it; but since they are
 ‘ pleased to be silent in this debate, I will myself
 ‘ tell them, that it is the law of THE GOSPEL, to
 ‘ *do unto others, as we would be done unto.*’

Lord Angle-
 sey's speech
 for the bill.

The Earls of *Abingdon* and *Anglesey* spoke afterwards for the bill, and the latter said, among other things, ‘ That the *dissenters* were equally dangerous
 ‘ both to *church* and *state*; that they were irreconcilable enemies to the established church; which
 ‘ they had sufficiently manifested in the late King
 ‘ *James* the second's reign, when, in order to obtain
 ‘ a toleration, they joined themselves with the *papists*;
 ‘ and that they had rendered themselves unworthy of the indulgence the church of *England*
 ‘ granted them at the revolution, by endeavouring
 ‘ to engross the education of youth; for which purpose
 ‘ they had set up schools and academies in most
 ‘ cities and towns of the kingdom, to the great
 ‘ detriment of the universities, and danger of the
 ‘ established church.’

Lord Hallifax's
 speech
 against the
 bill.

The Lord *Hallifax* spoke on the other side, and, among other things, said, ‘ That the very bringing
 ‘ in of this bill was injurious to the *Queen*; and he
 ‘ could not believe her Majesty would ever give her
 ‘ royal assent to such a law, after the solemn declaration
 ‘ she had made from the throne, that she *would inviolably maintain the toleration*, which
 ‘ this bill visibly struck at. *He added*, that her
 ‘ Majesty made it the glory of her reign, to follow
 ‘ the steps of *Queen Elizabeth*, who had not only
 ‘ entertained and protected the reformed *Walloons*,
 ‘ who took sanctuary in her dominions, from the
 ‘ *Spanish* inquisition, but had likewise allowed them
 ‘ the public exercise of their religion, and caused a
 ‘ clause

‘ clause in their favour to be inserted in the act of
 ‘ *uniformity*. That thereby that wise and glorious
 ‘ Queen had vastly increased the wealth of her
 ‘ realms, the *Walloons* having settled here the wool-
 ‘ len manufactures, which are the best branch of the
 ‘ national trade. That the protection and encou-
 ‘ ragement, the late King *William* and Queen *Mary*,
 ‘ and her present Majesty, had given to the *French*
 ‘ refugees, had proved no less advantageous to *Great-*
 ‘ *Britain*. And therefore it would be a piece of
 ‘ barbarity to make an act, which should debar
 ‘ many *French protestants* of means of subsisting, ei-
 ‘ ther by keeping public schools, or teaching in
 ‘ private families; especially considering their late
 ‘ hard usage, the government not having, for above
 ‘ three years past, paid them any part of the fif-
 ‘ teen thousand pounds *per annum*, allowed by Par-
 ‘ liament in the civil list, towards the maintenance
 ‘ of their Ministers, and poor.’ His Lordship
 concluded with taking notice ‘ of the fatal con-
 ‘ sequences of persecuting the *dissenters* in King
 ‘ *Charles* the first’s reign, which kindled a furious
 ‘ and unnatural civil war; and ended in the total
 ‘ overthrow of *church* and *state*, and in the King’s
 ‘ parricide.’

The Lord Viscount *Townshend* spoke on the same
 side, and, among other arguments, ‘ represented the
 ‘ ill effects of persecution in general: He said to
 ‘ that purpose, That he had lived a long time in
 ‘ *Holland*; and had observed, that the wealth and
 ‘ strength of that great and powerful common-
 ‘ wealth, lies in the number of its inhabitants: But
 ‘ that he was persuaded, that if the *States* should
 ‘ cause the schools of any one sect tolerated in the
 ‘ *united provinces*, to be shut up, they would be
 ‘ soon as thin of people, as *Sweden* or *Spain*, where-
 ‘ as they now swarm with inhabitants.’

The Lord
Townshend’s
 speech a-
 gainst the
 bill.

The

The Earl of
Notting-
ham's
speech.

The Lord *North* and *Grey*, who spoke for the bill, maintained the general assertion of his party, *viz.* That the church was in danger from the growth of *schismatics*. The Earl of *Nottingham* said thereupon, 'He owned he had formerly been of opinion, that the *occasional conformity* of *dis-senters*, was dangerous to the established church; and therefore he ever promoted the *bill to prevent it*: But that the church having now that security, he believed her safe and out of danger; and therefore he thought himself, in conscience, obliged to oppose so barbarous a law as this, which tended to deprive parents of their natural right of educating their own children. *He added*, he had observed, both from history, and his own experience, that all the persecutions that had been raised in *England* against *schismatics*, originally proceeded from, and tended to favour *popery*.' His Lordship likewise excepted against that part of the bill which enacts, *That any person who should keep any public or private school, or instruct any youth as tutor, should have a licence of the respective Archbishop or Bishop of the place, &c.* 'My Lords, said he, I have many children; and I know not whether GOD ALMIGHTY will vouchsafe to let me live, to give them the education I could wish they had: Therefore, my Lords, I own I tremble when I think, that a certain Divine, who is hardly suspected of being a *Christian*, is in a fair way of being a Bishop, and may one day give licences to those, who shall be entrusted with the instruction of youth.'

The Lord
Treasurer's
speech.

Some other Lords made speeches for and against the bill: But the Lord High Treasurer, contented himself with saying, 'That he had not yet considered of it: But when he had, he would vote according as it should appear to him, to be either for the good or detriment of his country: And therefore he was for reading the bill a second time.'

‘time:’ Which was agreed to, without dividing, and put off to the *Monday* following.

After this, the *Dissenters* presented a petition, praying, that they might be heard by their counsel against the bill; but the same was rejected by a majority of 72 votes against 66: It was observed, that on this occasion, the Earl of *Paulet*, the Lord *Foley*, the Lord *Mansel*, and some other friends of the Lord Treasurer, voted with the *Whig* Lords, for the allowing the said petition; and that the Lord Treasurer himself went out of the house, that he might not be obliged to declare on either side, which strengthened their opinion, who thought this bill to be levelled against his Lordship.

Petition of the *Dissenters*, to be heard by their counsel, rejected.

On *Monday* the 7th of *June*, the Lords read the said bill a second time; and referred it to a Committee of the whole house, the *Wednesday* following; after which their Lordships took into consideration, the case of the *Dutch* and *French* Protestant Churches abovementioned, (which had been presented the *Saturday* before) and after a small debate, it was carried, without dividing, that a clause should be inserted in the bill, in favour of the said Churches.

The bill read a second time and committed.

A clause in favour of the *Dutch* and *French* churches ordered.

On the 9th of *June*, their Lordships in a Committee of the whole house, of which his Grace the Lord Archbishop of *York* was chosen Chairman, took the said bill into consideration, and examined the same paragraph by paragraph, from one in the afternoon, till eight in the evening. The Lord Bishop of *London*, who was one of the first that spoke in this day’s debate, said, ‘That the *Dissenters* had made this bill necessary, by their endeavours to propagate their *schism*, and to draw the children of Church-men to their schools and academies.’ To which the Lord *Hallifax* answered, ‘That what they did, was with the knowledge and consent of the parents, who, in many places, had not sufficient means to educate their own children; and his Lordship took from thence occasion

The Lords Committee of the whole house, make several amendments to the bill.

‘caſion

‘ cation to move, That since this bill was occasion-
‘ ed, as was suggested, by the *Dissenters* endea-
‘ vouring to engross the education of the youth of
‘ both persuasions, they might be allowed schools
‘ to instruct their own children?’ Which motion
being formed into a question, was debated for near
three hours. The Lords *Cowper* and *Hallifax*, the
Earl of *Sunderland*, and some other Peers, made
several speeches for the affirmative. But the Lord
Viscount *Bolingbroke*, the Earl of *Anglesey*, the Duke
of *Bucks*, the Earl of *Abingdon*, and the Lord Chan-
cellor, insisted on the negative, which was, at last,
carried, by 62 votes against 48. After this, it was
moved, that the *Dissenters*, might, at least, be suf-
fered to have *school mistresses*, to teach their children
to read, which, after a debate of about half an hour,
was carried without dividing. As was also a clause,
That this act should not extend to any person who should
instruct youth in reading, writing, arithmetic, or any
part of mathematical learning only, so far as such ma-
thematical learning relates to navigation, or any me-
chanical art only. Then their Lordships examined
that part of the bill, whereby the conviction of
offenders against this act was left to the *Justices of*
the peace; and after a warm dispute, it was carried
by a majority of 59 votes against 54, that the *con-*
viction should be in the ordinary course of justice,
viz. upon an information, presentment, or indictment
in any of her Majesty's courts of record at West-
mister, or at the assizes, or before Justices of Oyer
and Terminer. The court-party finding by this last
division, that they lost considerable ground, and
being apprehensive, that other amendments, which
would render the bill altogether useless, might be
carried, moved, that the chairman should leave the
chair, in order to adjourn; but though the con-
trary party, at first, opposed it; yet, after some
debate, upon the penalties to be inflicted on the
offenders,

offenders, both parties being equally tired, the house adjourned to the next day.

Accordingly, on *Thursday* the 10th of *June*, the Lords in a committee of the whole house, resumed the debate about the *penalties*; and fixed the same to *three months imprisonment*; after which it was moved, and agreed, That persons aggrieved, *might appeal from ecclesiastical censures, as in cases of ordinary jurisdiction.* A clause was afterwards proposed, and carried, to exempt from the penalties of this act, *any tutor who shall be employed by any Nobleman, or Noblewoman, to teach in their families, provided such tutor do, in every respect qualify himself according to this act, except only in that of taking a licence from the Bishop.* There was no division upon these questions, but the debate lasted till six in the evening.

The next day, their Lordships, still in a grand committee, considered further of the *bill to prevent the growth of schism, &c.* And the Earl of *Anglesey* moved, that a clause might be inserted in it, to extend this act to *Ireland*: Which, after some debate was carried in the affirmative, by the majority of one voice only; after which it was ordered that the amendments made to the bill, should be reported to the house the *Monday* following. Accordingly, on the 14th of *June*, the Archbishop of *York*, made the said report; and several severe speeches were made against the clause, to extend this bill to *Ireland*; particularly by the Duke of *Shrewsbury*, Lord Lieutenant of that kingdom, who being just returned from thence, took, that critical day, his seat in the house: But the question being put, it was carried by 57 votes against 51, that the said clause should stand, and ordered that the bill, with the other amendments, which were approved, should be engrossed. The next day, the said engrossed bill was read the third time, and after a small debate, it was carried by 77 votes against 72, that the bill do pass. This done, the Lords sent a message

Clause to extend the bill to *Ireland*.

Opposed by the Duke of *Shrewsbury*.

The bill passed the house of Lords.

to

to the Commons, that they had agreed to the said bill with *amendments*, to which they desired the concurrence of that house. The said bill was as follows; the amendments being printed in *Italic*.

An act to prevent the growth of Schism, and for the further security of the Churches of England and Ireland, as by law established.

The said bill
at length.

WHEREAS by an act of Parliament made in the thirteenth and fourteenth years of his late Majesty King Charles the second, intituled, *An act for the uniformity of public prayers, and administration of Sacraments, and other rites and ceremonies; and for establishing the form of making, ordaining, and consecrating Bishops, Priests, and Deacons in the Church of England*, it is, amongst other things, enacted, That every School-master, keeping any public or private school, and every person instructing or teaching any youth, in any house or private family, as a Tutor or School-master, should subscribe before his or their respective Archbishop, Bishop, or Ordinary of the diocese, a declaration or acknowledgement, in which, amongst other things, was contained as follows, *viz. I A. B. do declare, that I will conform to the liturgy of the Church of England as it is now by law established*; and if any School-master, or other person instructing or teaching youth, in any private house or family, as a Tutor or School-master, should instruct or teach any youth as a Tutor or School-master, before licence obtained from his respective Archbishop, Bishop, or Ordinary of the diocese, according to the laws and statutes of this realm, for which he should pay twelve pence only, and before such subscrip-

tion

tion and acknowledgment made, as aforesaid, then every such School-master and other, instructing and teaching, as aforesaid, should, for the first offence, suffer three months imprisonment, without bail or mainprize, and also forfeit to his Majesty the sum of five pounds. And whereas notwithstanding the said act, fundry *Papists* and other persons dissenting from the church of *England*, have taken upon them to instruct and teach youth, as Tutors or School-masters, and have for such purpose, openly set up schools and seminaries, whereby, if due and speedy remedy be not had, great danger might ensue to this church and state: For the making the said recited act more effectual, and preventing the danger aforesaid, Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that every person or persons who shall, from and after the first day of *August* next ensuing, keep any public or private school or seminary, or teach or instruct any youth as Tutor or School-master, within that part of *Great-Britain* called *England*, the dominion of *Wales*, or town of *Berwick on Tweed*, before such person or persons shall have subscribed so much of the said declaration and acknowledgment, as is before recited, and shall have had and obtained a licence from the respective Archbishop, Bishop, or Ordinary of the place, under his seal of office (for which the party shall pay one shilling and no more, over and above the duties payable to her Majesty for the same) and shall be thereof lawfully convicted, upon an information, presentment, or indictment, in any of her Majesty's courts of record at *Westminster*, or at the assizes, or before *Justices of oyer and terminer*, shall

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and may be committed to the common goal of such county, riding, city, or town-corporate, as aforesaid, there to remain without bail or main-prize, for the space of three months, to commence from the time, that such person or persons, shall be received into the said goal.

Provided always, and be it hereby enacted, that no licence shall be granted by any Archbishop, Bishop, or Ordinary, unless the person or persons who shall sue for the same, shall produce a certificate, of his or their having received the sacrament, according to the usage of the church of *England*, in some parish church, within the space of one year next before the grant of such licence, under the hand of the Minister, and one of the church-wardens of the said parish, nor until such person or persons shall have taken and subscribed, the oaths of allegiance and supremacy, and abjuration, as appointed by law, *and shall have made and subscribed the declaration against transubstantiation, contained in the act made in the twenty-fifth year of the reign of King Charles II, intituled, An act for preventing dangers which may happen from popish recusants,* before the said Archbishop, Bishop, or Ordinary; which said oaths and *declarations*, the said Archbishop, Bishop, or Ordinary, are hereby empowered and required to administer and *receive*; and such Archbishops, Bishops, or Ordinaries, are required to file such certificates, and keep an exact register of the same, and of the taking and subscribing such oaths and *declarations*.

And be it further enacted, by the authority aforesaid, that any person who shall have obtained a licence, and subscribed the *declarations*, and taken and subscribed the oaths, as above appointed, and shall, at any time after, during

ring the time of his or their keeping any public or private school or seminary, or instructing any youth as Tutor or School-master, knowingly or willingly, resort to or be present at any conventicle, assembly, or meeting, within *England, Wales*, or town of *Berwick upon Tweed*, for the exercise of religion in any other manner, than according to the liturgy and practice of the church of *England*, or shall knowingly and willingly, be present at any meeting or assembly for the exercise of religion, although the liturgy be there used, where her Majesty (whom God long preserve) and the Elector of *Brunswick*, or such others as shall, from time to time, be lawfully appointed to be prayed for, shall not there be prayed for in express words, according to the liturgy of the church of *England*, *except where such particular offices of the liturgy are used, wherein, there are no express directions to pray for her Majesty and the royal family*, shall be liable to the penalties in this act, and shall from thence forth be incapable of keeping any public or private school or seminary, or instructing any youth, as Tutor or school-master.

And be it further enacted, by the authority aforesaid, that if any person licensed, as aforesaid, shall teach any other catechism than the catechism set forth in the *book of common prayer*, the licence of such person, shall be liable to the penalties of this act.

And be it further enacted by the authority aforesaid, that it shall and may be lawful, to and for the Bishop of the diocese, or other proper Ordinary, to cite any person or persons whatsoever, keeping school or seminary, or teaching without licence, as aforesaid, and to proceed against and punish such person or persons, by ecclesiastical censure, *subject to such appeals, as in cases of ordinary jurisdiction;*

jurisdiction; this act or any other law to the contrary notwithstanding.

Provided always, that no person offending against this act, shall be punished twice for the same offence.

Provided also, That where any person shall be prosecuted without fraud or covin, in any of the courts aforesaid, for any offence contrary to this act, the same person shall not be afterwards prosecuted for the same offence in any of the said courts, whilst such former prosecution shall be pending and carried on, without any wilful delay; and in case of any such after-prosecution, the person so doubly prosecuted may alledge, plead, or shew forth in his defence against the same, such former prosecution, pending, or judgment, or sentence thereupon given, the said pleader first making oath before the Judge or Judges of the court, when such after-prosecution shall be pending, and which said oath he or they are hereby empowered and required to administer, that the said prior-prosecution was not commenced or carried on by his means, or with his consent or procurement, or by any fraud or collusion of any other person to his knowledge or belief.

Provided always, that this act, or any thing therein contained, shall not extend, or be construed to extend, to any Tutor teaching or instructing youth in any College or Hall, within either of the Universities of that part of *Great-Britain*, called *England*; nor to any Tutor who shall be employed by any Nobleman or Noblewoman, to teach his, or her own children, grand-children, or great grand-children only, in his or her family; provided such Tutor, so teaching in any Nobleman's or Noblewoman's family, do in every respect qualify himself according to this act, except only in that of taking a licence from the Bishop.

Provided

Provided also, that the penalties in this act shall not extend to any foreigner, or alien of the foreign reformed churches, allowed, or to be allowed, by the Queen's Majesty, her heirs, and successors, in England, for instructing or teaching any child or children of any such foreigner or alien only, as a Tutor or School-master.

Provided always, and be it further enacted by the authority aforesaid, that if any person, who shall have been convicted, as aforesaid, and thereby made incapable to teach or instruct any youth, as aforesaid, shall, after such conviction, conform to the church of *England* for the space of one year, without having been present at any conventicle, assembly, or meeting, as aforesaid, and receive the sacrament of the Lord's supper, according to the rites and usage of the church of *England*, at least three times in that year, every such person or persons shall be again capable of having and using a licence, to teach school, or to instruct youth as a Tutor or School-master, he or they also performing all that is made requisite thereunto by this act.

Provided also, and be it further enacted, that every such person, so convicted, and afterwards conforming, in manner as aforesaid, shall, at the next term after his being admitted to, or taking upon him to teach or instruct youth, as aforesaid, make oath in writing, in some one of her Majesty's courts at *Westminster*, in public and open court, or at the next Quarter-sessions for that county or place where he shall reside, between the hours of nine and twelve in the forenoon, that he hath conformed to the church of *England* for the space of one year before such his admission, without having been present at any conventicle, assembly, or meeting, as aforesaid, and that he hath received the sacrament of the Lord's supper at

least three times in the year, which oath shall be there enrolled, and kept upon record.

Provided always, that this act shall not extend, or be construed to extend to any person, who as a Tutor, or School-master, shall instruct youth in reading, writing, arithmetic, or any part of the mathematical learning only, so far as such mathematical learning, relates to navigation, or any mechanical art only, and so as such reading, writing, arithmetic, or mathematical learning, shall be taught in the English tongue only.

And whereas by an act of Parliament made in Ireland, in the 17th and 18th years of his said late Majesty King Charles II, intituled, An act for the uniformity of public prayers, and administration of the sacraments and other rites and ceremonies; and for establishing the form of making, ordaining, and consecrating of the Bishops, Priests, and Deacons in the church of Ireland; It is enacted concerning School-masters and other persons instructing youth in private families in Ireland, as in and by the above recited act is enacted, concerning School-masters and others instructing youth in private families in that part of Great-Britain called England: And whereas it is reasonable, where law is the same, the remedy and means for enforcing the execution of the law should be the same: Be it therefore enacted by the authority aforesaid, that all and every the remedies, provisions, and clauses, in and by this act given, made, and enacted, shall extend, and be deemed, construed, and adjudged to extend to Ireland, in as full and effectual a manner as if Ireland had been expressly named and mentioned in all and every the clauses in this act.

Protests of
several Lords
against the
schism bill.

Several Lords entered and signed the following protest against this bill, viz.

Die

Die Martis 15 Junii, 1714.

Hodie 3^a vice lecta est billa, intituled, An act to prevent the growth of schism, and for the further security of the church of *England*, as by law established.

Contents 56 }
Proxies 21 } 77

The question was put, whether this bill, with the amendments, shall pass?

Not Cont. 49 }
Proxies 23 } 72

It was resolved in the affirmative.

Dissentient^s

We cannot apprehend (as the bill recites) that great danger may ensue from the *Dissenters*, to the church and state.

Because, I. By law no *Dissenter* is capable of any station which can be supposed to render him dangerous.

And since the several sects of *Dissenters* differ from each other as much as they do from the established church, they can never form of themselves a national church: nor have they any temptation to set up any one sect among them: For in that case, all that the other sects can expect, is, only a toleration, which they already enjoy by the indulgence of the state; and therefore, 'tis their interest to support the established church against any other sect that would attempt to destroy it.

II. If nevertheless the *Dissenters* were dangerous, severity is not so proper and effectual a method to reduce them to the church, as a charitable indulgence, as is manifest by experience, there having been more *Dissenters* reconciled to the church since

the act of toleration, than in all the time since the act of uniformity, to the time of the said act of toleration, and there is scarce one considerable family in *England* in communion with the *Dissenters*: Severity may make them *Hypocrites*, but not converts.

III. If severity could be supposed ever to be of use, yet this is not a proper time for it, while we are threatened with much greater dangers to our church and nation, against which the *Protestant Dissenters* have joined, and are still willing to join with us in our defence; and therefore we should not drive them from us, by enforcing the laws against them, in a matter which, of all others, must most sensibly grieve them, viz. the education of their children; which reduces them to a necessity either of breeding them in a way they do not approve, or of leaving them without instruction.

IV. This must be the more grievous to the *Dissenters*, because it was little expected from the members of the established church, after so favourable an indulgence as the act of toleration, and the repeated declarations and professions from the throne, and former Parliaments, against all persecution, which is the peculiar badge of the *Roman* church, which avows and practises this doctrine; and yet this has not been retaliated even upon the *Papists*, for all the laws made against them have been the effects and just punishment of treasons, from time to time committed against the state: But it is not pretended that this bill is designed as a punishment of any crime which the *Protestant Dissenters* have been guilty of against the civil government, or that they are disaffected to the *Protestant* succession as by law established; for in this their zeal is very conspicuous,

V. In

V. In all the instances of making laws, or of a rigid execution of the laws against *Dissenters*, it is very remarkable, that the design was to weaken the church, and to drive them into one common interest with the *Papists*, and to join them in measures tending to the destruction of it. This was the method suggested by *Popish* counsels, to prepare them for the two successive declarations in the time of King *Charles II.*, and the following one issued out by King *James II.*, to ruin all our civil and religious rights: And we cannot think that the arts and contrivances of the *Papists* to subvert our church, are proper means to preserve it, especially at a time when we are in more danger of *Popery* than ever, by the designs of the *Pretender*, supported by the mighty power of the *French King*, who is engaged to extirpate our religion, and by great numbers in this kingdom, who are professedly in his interests.

VI. But if the *Dissenters* should not be provoked by this severity, to concur in the destruction of their country and the *Protestant* religion, yet we may justly fear they may be driven by this bill from *England*, to the great prejudice of our manufactures, for as we gained them by the persecution abroad, so we may lose them by the like proceedings at home.

Lastly, The miseries we apprehend here are greatly enhanced by extending this bill to *Ireland*, where the consequences of it may be fatal; for since the number of *Papists* in that kingdom far exceeds the Protestants of all denominations together, and that the *Dissenters* are to be treated as enemies, or at least as persons dangerous to that church and state, who have always, in all times, joined, and still would join, with the members of that church, in their common defence against the common enemy of their religion; and since the army there is very much reduced, the *Protestants*, thus unnecessarily divided, seem

seem to us to be expos'd to the danger of another massacre, and the *Protestant* religion in danger of being extirpated.

And we may farther fear that the *Scots* in *Britain*, whose national church is *Presbyterian*, will not so heartily and zealously join with us in our defence, when they see those of the same nation, same blood, and same religion, so hardly treated by us.

And this will still be more grievous to the *Protestant Dissenters* in *Ireland*, because whilst the *Papish* priests are registered, and so indulged by law, as that they exercise their religion without molestation, the *Dissenters* are so far from enjoying the like toleration, that the laws are by this bill enforced against them.

Somerset,	Derby,	Mountague,
Dorchester,	Carlisle,	Radnor,
Scarborough,	Foley,	W. Asaph,
Nottingham,	Greenwich,	Townshend,
Haversham,	J. Ely,	Orford,
Hallifax,	T. Wharton,	Rockingham,
W. Lincoln,	Cornwallis,	Schonberg and
Dorset and Mid-	Torrington,	Leinster,
sex,	Devonshire,	J. Bangor,
Sunderland,	Lincoln,	De Longueville,
Bolton,	Somers,	J. Llandaff,
Grafton,		Cowper.

The Lords
amendments
read by the
Commons.

Debate
thereupon.

The Commons put off the consideration of the amendments made by the Lords to the *sebism* bill, till *Wednesday* the 23d of *June*, when the said amendments were read, and occasioned a small debate. Mr *Lechmere* and Mr *Walpole*, amongst the rest, represented, ' That since the *Protestant Dissenters* of *Ireland* were made liable to the penalties of this bill, it were but just, either to insert a clause in it, or to bring in another bill, to make them enjoy the benefit of the toleration act, that was past
in

‘ in *England*, in the last reign.’ But Sir *William Wyndham* and Mr *Campion* said thereupon, ‘ That ‘ if leave were given to bring in such a bill, they ‘ hoped they should have leave also to bring in another, to incapacitate Dissenters from voting in elections for Parliament-men.’ Upon which that matter dropt. On the other hand, General *Stanhope* proposed, ‘ That the Tutors in the families of ‘ members of the house of Commons, might be ‘ put on the same foot with those who taught in ‘ the families of a *Nobleman* or *Noblewoman*; it ‘ being reasonable to suppose, that the members of ‘ that house, many of whom were of noble extraction, had as great a concern as the Lords for the ‘ education of their children; and an equal right ‘ to take care of their instruction.’ Several members of both parties, were of Mr *Stanhope*’s opinion; but Mr *Hungerford* was very plain, and represented that the least amendment now made in the house, might occasion the loss of the bill: Which had such weight with them who all along promoted it, that the question being put, it was carried by a majority of 168 votes against 98, that the Commons agreed to the Lords amendments; and ordered, That Sir *William Wyndham* do carry the bill to the Lords, and acquaint them therewith.

The said amendments approved.

On the 9th of *June*, the Commons resolved to present three addresses to the Queen; the First, ‘ That her Majesty would be graciously pleased, ‘ out of her great goodness to her people, to give ‘ directions, that the fourth part of the *Assiento* ‘ trade referred to her Majesty by the 28th article ‘ of the *Assiento* contract; as also all such other ‘ benefits or advantages arising from the *Assiento* ‘ trade, or the licences relating thereto, or from ‘ any such duties or profits reserved unto his *Catholic* Majesty, as her Majesty may be intitled ‘ to, by virtue of any subsequent agreement or ‘ assignment

Three addresses to the Queen about the *Assiento*, the Island of *Minorca*, and *Gibraltar*.

‘ assignment from the King of *Spain* to her Majesty, may be disposed of for the use of the publick, and towards the discharging the debts of the nation. The second, That the revenues of the island of *Minorca*, and the rents of the houses at *Gibraltar*, may be applied towards the maintenance and support of the several garrisons in those places; and the third, that the ports of *Mabon* and *Gibraltar* may be made free ports.’

Grounds thereof.

The ground for the first three of these addresses was this: *Arthur Moore*, Esq; a member of the house, and one of the Commissioners of trade, who was the chief manager of the treaties of commerce both with *France* and *Spain*, had, on several occasions, cried up the great advantages the nation would receive from the *Affiento* trade; and it being strongly suspected that he, and the Lord Treasurer, who countenanced him, were to have the benefit of the fourth part of the *Affiento* contract reserved to her Majesty, which was esteemed too great a *recompence* for Ministers who had made a *peace* from which the nation reaped no other advantages, but such as were hoped for from the said contract: The Commons thought fit, that the said benefits, if any, should be disposed of for the use of the publick; who had contributed such immense sums of money towards obtaining those pretended advantages. The other two addresses were in some measure grounded upon an information, that the Governors or Deputy-governors of *Port-Mabon* and *Gibraltar*, got considerable sums of money by their exactions, both on the inhabitants of those places, and on merchant ships.

June 19th, Mr Secretary *Bromley* acquainted the house, that their several addresses following had been laid before her Majesty, viz.

I. That

I. That her Majesty would be pleased to give directions, that the purchase money agreed for as a valuable consideration for certain lands and tenements, vested in Trustees for the crown, for the better fortifying and securing the docks and harbours at *Portsmouth*, *Chatham*, and *Harwich*, may be paid, pursuant to the several contracts made with proprietors of the said lands and tenements; and that her Majesty was pleased to answer, *That she will give the directions which are desired.*

II. That her Majesty would be graciously pleased, out of her great Goodness to her people, to give directions, that the fourth part of the *Affiento* trade, reserved to her Majesty by the 28th article of the *Affiento* contracts, as also such other benefits or advantages arising from the *Affiento* trade, or the licences relating thereto, or from any duties or profits reserved to his *Catholic* Majesty, as her Majesty may be entitled to, by virtue of any subsequent agreement or assignment from the King of *Spain* to her Majesty, might be disposed of for the use of the public, and towards discharging the debts of the nation; and that her Majesty was pleased to give this answer, ‘ That her Majesty gave to the *South Sea* company the *Affiento* or contract she obtained from the *Catholic* King, for importing negroes into the *Spanish West-Indies*, and her Majesty has since thought it necessary for their farther encouragement, and for removing difficulties in the carrying on that beneficial trade, to grant them the fourth part in the said contract reserved to herself; her Majesty being of opinion, that the encouragement of trade, will best enable her subjects to discharge the debts of the nation.

‘ As to the other reservations of an inferior nature, which may have been under negotiation, if they are obtained, her Majesty will make such

‘ disposition

‘ disposition of them as she shall judge proper for
‘ her service.’

III. That the revenues of the island of *Minorca*, and the rents of the houses of *Gibraltar*, might be applied towards the maintenance and support of the several garrisons in those places ; and that her Majesty was pleased to say, ‘ That a survey had been
‘ taken, by her Majesty’s direction, of the island
‘ of *Minorca*, in order to make the possession there.
‘ of beneficial to this kingdom ;’ And her Majesty will take care, ‘ That the revenues of *Minorca*, and the rents of the houses at *Gibraltar*, shall
‘ be applied for the publick service.’

IV. That the Ports of *Mabon* and *Gibraltar* might be made free ports ; and that her Majesty was pleased to say, ‘ That soon after the surrender
‘ of *Gibraltar* to her Majesty, orders were given,
‘ that the port of *Gibraltar* should be declared a
‘ free port ; and her Majesty has it now under consideration, in what manner *Port-Mabon* may best
‘ be established, and declared a free port.’

V. That her Majesty would be graciously pleased to confer some dignity in the Church upon the reverend Dr *Pelling*, Chaplain to this house ; to which her Majesty was pleased to answer, ‘ That she will
‘ confer some dignity in the church upon him, as
‘ is desired.’

VI. That her Majesty would be pleased to give directions, that an account might be laid before this house of the publick debts provided for by Parliament, and of what interest is paid for such respective debts respectively ; and that her Majesty was pleased to say, ‘ She will order an account of what
‘ is desired to be laid before this house.’

VII. That

VII. That her Majesty would be pleased to give directions, that an account be laid before this house, of all orders that have been sent to the Lords of the admiralty, for fitting any ships to attend the service of the *South-Sea* company, and what directions have been given, for altering the service, for which such ships were under orders, and what representations have been made by the Admiralty upon that account; and that her Majesty was pleased to say, 'She will order the account, directions, and representations desired, to be laid before this house.'

VIII. That her Majesty would be pleased to give order for the reducing the number of commissioners of equivalent, and for lessening the annual charge of that commission, as to her Majesty should seem meet: And that her Majesty was pleased to say, 'That she will give orders for reducing the number of Commissioners for the equivalent, and for lessening the annual charge of that Commission.'

After the report of her Majesty's several answers to those several addresses, it was moved by the court party, and *resolved*, 'That an humble address be presented to her Majesty, to return the humble thanks of this house for the encouragement which she had given to trade, by granting to the *South-Sea* company, the fourth *part* of the *Affiento* contract, reserved to her Majesty, in order to their immediate carrying on that trade; and to assure her Majesty, that this house would entirely acquiesce in all such dispositions of the future advantages which her Majesty should obtain, as she should think proper for the benefit and increase of trade.'

Two days after Mr Secretary *Bromley* reported, That this address had been presented to her Majesty: And that her Majesty received the same very graciously.

About

*William
Kelly and 5
men lifted
for the Pre-
tender, seized
at Gravesend.*

About the middle of *June*, upon information given to the Earl of *Wharton*, that two *Irish* officers, one Captain *Hugh Kelly*, the other *William Kelly*, went about, and lifted men for the *Pretender*, his Lordship, carried his evidence to my Lord Chief Justice *Parker*, who, upon their oath, granted his warrant for the apprehending of the said officers. This warrant was, with all secrecy, sent down to *Gravesend*; but the persons employed to execute it missed of Captain *Hugh Kelly*, and only found *William Kelly*, his agent or assistant, with five men whom he had taken under his charge to carry over. They were all brought before the next Justice of the peace, who ordered them to be secured till further orders; and afterwards they were committed to the county goal. *William Kelly* during his confinement at *Gravesend*, got the prison-keeper to write two letters, one to my Lord *Rosse*, and another to my Lord *Winchelsea*; and one was sent to him from a woman, who in the letter called him brother, and told him she would go to my Lord *Bolingbroke*, and my Lord *Treasurer*, to get him released. This letter was carried from the post-house to the Justice, and read before it came to *Kelly's* hand. The Justice sent for him, and asked him if he knew such a woman; he denied that he knew any thing of her, but at last before he went away, he owned her to be his wife.

The report of this having spread in the neighbouring places, and along the coast, occasioned the apprehending of Captain *Kelly*, on *Monday* the 21st of *June*, as he was endeavouring to get a passage for *France* at *Deal*. Being seized upon suspicion, by one of the Custom-house officers, he was carried before the town Mayor, where he had made a plausible story, and endeavoured to get off: But a certificate, signed *Middleton*, being found about him, the Mayor thought it his duty to secure him, and to

send

send notice of it to the Lord Viscount *Bolingbroke*, Principal Secretary of state; with the said certificate, which was as follows :

NOUS Ministre & Secrétaire d'état de sa Majesté
 Britannique, certifions a tous ceux à qui il appar-
 tiendra que le Sieur *Hugh Kelly*, frere de feu *Corne-
 lius Kelly*, mort à *St Domingo* sans enfans, est Ir-
 landois Catholique, & fidele sujet du Roy mon maitre.
 Fait a *St Germain en Laye*, le 19 May, 1712.

Certificate
 found about
 him.

MIDDLETON.

That is,

WE Minister and Secretary of state to his
 Britannic Majesty, do certify to all whom
 it may concern, that the Sieur *Hugh Kelly*, bro-
 ther to the late *Cornelius Kelly*, who died at *St Do-
 mingo*, without children, is an *Irish Roman Catholic*,
 and a faithful subject to the King my master.
 Done at *St Germain-en Laye*, the 19th of May,
 1712.

MIDDLETON.

Upon the receipt of this information, the Lord
Bolingbroke sent down two of her Majesty's messen-
 gers, who on the 23d of *June* brought up Captain
Kelly, who was continued in custody. Two days be-
 fore, upon intelligence that another officer went
 about the cities of *London* and *Westminster*, endea-
 vouring to list men for the service of the *Chevalier*,
 the Lord *Bolingbroke* sent one of her Majesty's mes-
 sengers, who under the disguise of a disbanded sol-
 dier, went to, and was listed by the said officer,
 whom thereupon he took into custody. Some
 days before *John Reilly*, *Alexander Bourk*, and *Mar-
 tin Carrol*, were sentenced as guilty of *high-treason*,
 for

He is
 brought up
 to *London*.

Another Of-
 ficer appre-
 hended.

Three per-
 sonsexecuted
 in *Ireland*
 for listing
 men for the
Pretender.

for lifting men for the *Pretender's* service; and on the 26th of *June* were, pursuant to that sentence, drawn, hanged, and quartered at *Stephen's-Green*, in *Dublin*.

The audaciousness of the *Jacobite* party, who dared to lift men for the *Pretender* to her Majesty's crown, even within the verge of her Majesty's court, having raised a just alarm, an extraordinary council was thereupon held on the 21st of *June*, wherein it was resolved forthwith to issue out the following PROCLAMATION.

ANNE, R.

Proclamation for a reward of 5000*l.* for apprehending the *Pretender*.

WHEREAS by an act of Parliament, made in the thirteenth year of the reign of our late dear brother King *William* the third, intituled, *An act for the attainder of the pretended Prince of Wales, of high-treason*; the person pretending to be Prince of *Wales*, during the life of the late King *James*, and since his decease, pretending to be, and taking upon himself the stile and title of King of *England*, by the name of *James* the third, stands attainted of high-treason: And whereas the Lords spiritual and temporal in parliament assembled, did, by their humble address beseech us, that whenever we should judge it necessary, we would be graciously pleased to issue our royal proclamation, thereby promising a reward to any person, who should apprehend and bring the said *Pretender* to justice, in case he should land or attempt to land, either in *Great-Britain* or *Ireland*, suitable to the importance of that service, for the safety of our person, and the security of the *protestant* succession in the house of *Hanover*: And by their said address, did also humbly intreat us, that we would insist upon, and renew our instances for the speedy removing, the said *Pretender* out of *Lorrain*; and notwithstanding

standing we have since insisted upon, and renewed our instances in the most pressing manner for that purpose, our endeavours have not proved effectual, but he still continues, and is entertained there: And whereas we have lately received information upon oath, that divers persons have within our kingdom of *Ireland*, in open defiance of our laws, been traiterously listed as soldiers, under pretence of entering into the service of the said *Pretender*, and on such pretence have been conveyed out of our said kingdom of *Ireland*, we therefore, from a just resentment of such indignities and treasonable practices, have thought fit, by and with the advice of our Privy-Council, to issue this our royal proclamation, and do hereby command and require all our officers civil and military, and all other our loving subjects, to use their utmost endeavours to apprehend the said *Pretender* whenever he shall land, or attempt to land in *Great Britain* or *Ireland*, or any other of our dominions, and him being apprehended, to carry before the next Justice of the peace or other magistrate, who is hereby required to commit him to goal for high-treason, and thereof to give notice immediately to one of our principal Secretaries of state. And for the encouraging all persons to be diligent and careful in endeavouring to apprehend the said *Pretender*, as aforesaid, we do hereby further declare, that whosoever shall apprehend the said *Pretender*, and bring him before some Justice of the peace, or other magistrate as aforesaid, shall have and receive as a reward, the sum of five thousand pounds, whereof our High Treasurer, or Commissioners of our treasury for the time being, are hereby required to make payment accordingly. And if any of the persons who shall adhere to, or assist the said *Pretender*, shall apprehend him, as aforesaid, he

or they, who shall apprehend him, shall have our gracious general pardon, and shall also receive the said reward of five thousand pounds, to be paid in manner aforesaid.

Given at our court at Kensington, the 21st day of June, 1714, in the thirteenth year of our reign.

This proclamation being published on the 23d of June, the Commons, the next day, resolved, *ne mine contradicente*,

Address of thanks of the Commons to her Majesty, for the said proclamation, and for a further reward of 100,000 l.

‘ That an humble address be presented to her Majesty, acknowledging the grateful sense which this house has of her Majesty’s concern for the protestant succession in the house of *Hanover*, by issuing so *seasonably* a proclamation, promising a sum of 5000 l. out of her own revenue, as an encouragement for apprehending the *Pretender*, whenever he shall land, or attempt to land, in any of her Majesty’s dominions: and to assure her Majesty, that this house will chearfully aid and assist her Majesty, by granting, out of the first aids to be given by Parliament, the sum of one hundred thousand pounds, as a farther reward to any who shall perform so great a service to her Majesty and her kingdoms; and also that this house will heartily concur with her Majesty in all other measures for extinguishing the hopes of the *Pretender*, and all his open and secret abettors.’

Resolved, That the said address be presented to her Majesty by the whole house.

It is observed, that Mr *Freeman*, Knight of the shire for *Hertfordshire*, made the motion for this address, and was seconded by Mr Auditor *Harley*, the Lord Treasurer’s brother, and thirded by the Earl

Earl of *Heriford*, son to the Duke of *Somerset*, who proposed the sum of 100,000*l.* some objections were raised, as if the promising a reward so much beyond what was mentioned in the Queen's proclamation, were disrespectful to her Majesty: But the same were over-ruled, and the said vote passed unanimously. On *Monday* the 28th of *June*, the Commons, with their Speaker, waited on her Majesty at *Kensington*, and presented their humble address, to which the Queen was pleased to give this answer:

Gentlemen,

THE hearty concern you shew in this address for the security of the protestant succession is very agreeable to me.

The Queen's answer to the Commons address against the Pretender.

I hope your concurrence will have the desired effect in removing jealousies, and quieting the minds of my good subjects.

This answer being reported the next day, the Commons resolved, *nemine contradicente*, to return her Majesty the thanks of their house for the same.

Nor were the Lords less forward than the Commons, in shewing their zeal and affection for the protestant succession in the most serene house of *Hanover*: For on the 24th of *June*, the Earl of *Nottingham* made a motion for an address of thanks to her Majesty, for the proclamation against the *Pretender*, &c. and was seconded by Lord *Hallifax*. The Earl of *Wharton*, who likewise backed the motion, holding the Queen's proclamation in his hand, did most pathetically lament her Majesty's owning that her endeavours to remove the *Pretender* from *Lorrain* had been ineffectual. ' Unhappy Princess, ' said he, how much her condition is altered! Will ' posterity believe that so great a Queen, who had ' reduced the exorbitant power of *France*, given a

Proceedings of the Lords against the Pretender.

‘ King to *Spain*, and whose very Ministers have
 ‘ made the *Emperor* and the *States-General* to trem-
 ‘ ble, should yet want power to make so petty, so
 ‘ inconsiderable a Prince, as the Duke of *Lorrain*,
 ‘ comply with her just desire of his removing out
 ‘ of his dominions the *Pretender* to her crown!’

None of the Peers spoke against the Earl of *Nottingham*’s motion, so that the same was carried, *nemine contradicente*, and the Lords address being immediately drawn up, and agreed unto, was, the next day, presented to her Majesty, as follows:

Most gracious Sovereign,

Their Lord-
ships address
to the Queen
thereupon.

WE your Majesty’s most dutiful and loyal subjects, the Lords spiritual and temporal in Parliament assembled, in a just sense and acknowledgment of your Majesty’s goodness, return our most humble thanks for the proclamation which your Majesty, at the request of this house, has been graciously pleased to issue, for apprehending the *Pretender*, in case he shall land, or attempt to land, in any of your Majesty’s dominions.

And since your Majesty’s instances for removing the *Pretender* from *Lorrain*, have hitherto been ineffectual, we take this occasion to repeat our humble request and advice to your Majesty, to endeavour, in the most proper, and speediest manner, not only to renew the alliances which your Majesty had with the Princes of *Europe*, but also to invite them, and particularly the *Emperor* and the King of *Prussia*, into the guaranty of the *protestant* succession as by law established, in the most serene house of *Brunswick*, and to desire them to join with your Majesty, in pressing the Duke of *Lorrain*, not to suffer the *Pretender* to remain in any part of his dominions.

And

And since the *Papists* and *Nonjurors* are so insolent, as not only to support the *Pretender's* claim to your royal crown, by their writings and discourses, but also traiterously to enlist men into his service, and send them to *France*: we most humbly beseech your Majesty to issue out your royal proclamation, promising a reward to all such persons as shall discover to any of your magistrates, and cause to be apprehended, any person who hath already listed any person, or hath been listed in *Great-Britain* or *Ireland*, into the service of the *Pretender*, or that shall hereafter list any person, or be listed in *Great-Britain* or *Ireland*, into the service of the *Pretender*, or of *France*, or that shall carry any such persons abroad.

And we do further pray your Majesty to give your orders to all your Majesty's officers and magistrates, to put the laws in execution against the *Papists* and *Nonjurors*, by taking from them their horses and arms, and confining them to their usual habitations, in such manner as by law is directed: And that your Majesty will be pleased to require an exact account of their proceedings therein, to be transmitted by them respectively, to your Majesty in council, and to direct the same to be laid before this house at their next meeting.

Her Majesty's answer was as follows :

My Lords,

I Thank you kindly for this address.

And I am glad you are pleased with what I have done for the protestant succession.

You may be assured I shall continue to do whatever I judge necessary for the securing our religion, the liberty of my people, and for putting an end to the vain hopes of the Pretender.

On the 28th of *June*, it was ordered by the Lords spiritual and temporal in Parliament assembled, that an humble address be presented to her Majesty, to return the thanks of this house to her Majesty, for her most gracious answer to their Lordships address of *Thursday* last; and that the same be presented to her Majesty by the Lords with white staves.

Debates in
the house of
Lords about
the bill to
prevent the
lifting her
Majesty's
subjects.

The Lord Viscount *Bolingbroke*, who, on the 24th of *June*, came into the House of Peers after their Lordships had voted the address against the *Pretender*, appeared somewhat surprized at that resolution, and said, that there was a more effectual way to secure the succession in the house of *Hanover*. Some members expressing thereupon their desires, that he would propose it to the house, his Lordship moved, that a *bill* be brought in to make it high-treason for any person to list, or to be listed, into the *Pretender's* service. My Lord *Hallifax* represented thereupon, That such a bill was altogether needless, both the *Pretender*, and all his adherents, and abettors, being already attainted of high-treason: However, he should be glad such a bill were brought in; because with some alterations, it might be made a very good one. Hereupon the bill was brought in, read the first time, and upon the Lord *Hallifax's* motion, ordered to be read a second time, the next day, in a full house. This was done accordingly, on the 26th of *June*; and the house of Peers immediately resolved themselves into a Committee of the whole house upon the said bill and chose the Lord *Bolingbroke* Chairman. The Lords *Hallifax*, *Townshend*, *Cowper*, *Somers*, and *Wharton*, who spoke most in this committee, made it their chief business to shew, ' That the *Pretender* ' was inconsiderable of himself, and not to be feared, but so far forth, as he was countenanced and ' protected by the *French King*, whose interest and ' constant design was, to impose him upon these ' realms.

‘ realms.’ And therefore they moved, and it was agreed, that the title of the *bill* should be, *to prevent the lifting her Majesty’s subjects to serve as soldiers, without her Majesty’s licence*; and that it should be *high-treason to list or be listed to serve any foreign Prince, State, or Potentate, without a licence under the sign manual of her Majesty, her heirs or successors.* Moreover the following *proviso* was moved and agreed to, *viz.* ‘ That no licence shall be effectual to exempt any person from the penalties of this act, who shall list or cause to be listed in the service of the *French King*, until after the said *French King* shall have disbanded, broke, and dismissed, all the regiments, troops, or companies of soldiers, which he has or may have in his service, consisting of the natural-born subjects of the crown of *Great-Britain*: This act to continue in force for three years.’ The amendments made to this bill were reported, and agreed to by the house, on *Monday* the 28th of *June*, and the next day, the bill was sent to the Commons, who gave it their concurrence without any amendments.

On the last day of *June*, and first of *July*, the Lords caused several papers, relating to the trade with *Spain* and the *West-Indies* to be read; and the next day, their Lordships took that affair into their consideration. The Earl of *Nottingham*, who opened that important matter, made it plainly appear, that considering the discouragements to which that trade was subjected by the explanations of the *third*, *fifth*, and *eighth* articles of the *treaty of navigation and commerce between Great-Britain and Spain*; which explanations were made at *Madrid*, after signing of the said treaty at *Utrecht*; it was impossible for our merchants to carry on that trade without certain loss. His Lordship supported his arguments by a letter written by an *English* factor in *Spain* to his principals; and was seconded by the Lord *Cowper*. My Lord *Bolingbroke* endeavoured to answer their objections;

Debate in
the Lords
house about
the *Spanish*
trade.

objections; and, among other things, excepted against that letter, which, he pretended, was forged here. The Lord *Hallifax* stood up next, and made a speech, wherein he represented, ‘ how the
 ‘ most beneficial branch of commerce, the trade,
 ‘ for the recovery of which we entered into the late
 ‘ expensive war, had been notoriously neglected,
 ‘ and given up.’ The Lord *Bolingbroke* having said something in defence of the ministry, my Lord *Hallifax*, and some other Peers, confuted his allegations. But what put the advocates of the *Spanish treaty* to silence, was the testimony of Sir *William Hodges*, and of about thirty more eminent merchants trading to *Spain*, both *Whigs* and *Tories*, who being called into the house of Lords, unanimously averred, that unless the *explanations of the three articles* before-mentioned were rescinded, they could not carry on their commerce without losing 20 or 25 *per cent*. It was observed, that the Lord High Treasurer joined with the Lord, who insisted on the hearing of the *Spanish* merchants, which was strenuously opposed by the Lord *Bolingbroke*: And which nice observers looked upon as a certain indication of a falling out between those two Ministers. After a debate and examination, that lasted till near seven o’clock in the evening, the Lords resolved to address her Majesty, that she would be pleased to cause all the papers relating to the negociation of the treaty of commerce with *Spain*, to be laid before them; together with the names of the persons who advised her Majesty to that treaty. Then their Lordships adjourned the consideration of that affair to the *Monday* following, when the Lords with white staves reported her Majesty’s answer, importing in substance, ‘ That her Majesty being given
 ‘ to understand, that the three explanatory articles
 ‘ of the treaty of commerce with *Spain* were not
 ‘ detrimental to the trade of her subjects, she had
 ‘ consented to their being ratified with the said
 ‘ treaty.’

‘ treaty.’ The Queen making no mention in her answer of the persons who had advised her to ratify those *explanatory articles*, the coming at the knowledge of whom was the chief design of the Lords address, several members excepted against that answer as unsatisfactory : And among the rest, the Earl of *Wharton* and the Lord *Hallifax* represented, ‘ That if so little regard was shewn to the ‘ addresses and application of that august assembly ‘ to the Sovereign, they had no business in that ‘ house, and moved that a *representation* be made ‘ to her Majesty, to lay before her the insuperable ‘ difficulties, that attended the *Spanish* trade, on the ‘ foot of the late treaty :’ Which was agreed to. It was also moved, that the house should insist on her Majesty’s naming the persons who advised her to ratify the said three explanatory articles ; but the courtiers warded off that blow, which was chiefly levelled at the Lord *Bolingbroke*, and his agent *Arthur Moore*. The same day, the said representation was drawn up, reported, agreed on, and on the seventh of *July* presented to her Majesty, as follows :

Most gracious Sovereign,

WE your Majesty’s most dutiful and loyal subjects, the Lords spiritual and temporal in Parliament assembled, having taking into our serious consideration the present state of the trade between your Majesty’s subjects and *Spain*, do beg leave humbly to represent to your Majesty, that upon the examination of merchants at our bar, and perusing and considering several representations and papers, laid before us by your Commissioners of trade, it appears to us, that the carrying on the trade, between your Majesty’s dominions and *Spain*, on the foot of the present treaty of commerce, as it stands ratified with the three explanatory articles, is attended with insuperable difficulties,

The Lords
representa-
tion about
the treaty of
commerce
with *Spain*.

difficulties, and therefore we do very earnestly beseech your Majesty, to use effectual means for procuring such alterations to be made in the same, as may render the said trade practicable and beneficial to your Majesty's people.

Her Majesty's answer was :

My Lords,

The Queen's
answer.

IT has been my care to procure all possible advantages for my subjects in trade.

And I shall continue my utmost endeavours to obtain further benefits, and particularly in the trade with Spain which is so useful to my subjects.

On the 5th of July, the Lords resolved to resume the next day, the consideration of the treaty of commerce with *Spain*: And in order to go to the bottom of that affair, their Lordships sent a message to the Commons, to acquaint them, that the Lords having under consideration matters of great moment, relating to the trade of this kingdom, did desire, that such members of that house, who were Commissioners for trade and plantations, might have liberty to attend their *Lordships* that day. Upon this the Commons ordered ‘ That such ‘ members of their house, who were Commissioners ‘ for trade and plantations, have liberty to go to ‘ the Lords, if they thought fit.’

The Commissioners for trade and plantations examined by the Lords, about the treaty of commerce with *Spain*.

On *Tuesday*, the 6th of July, the Lords proceeded to the consideration of the *Spanish* trade, and to the examination of the Commissioners of trade and plantations. The Earl of *Wharton*, who began the debate, said among other things ironically, ‘ He did ‘ not doubt but one of those Gentlemen could make it ‘ appear, that the treaty of commerce with *Spain* ‘ was very advantageous.’ This was meant of Mr. *Arthur Moore*, who had the chief management of that affair, and who contradicted himself in several

veral questions that were asked him by the Lord Cowper, about the three *explanatory articles* in question. This was aggravated by the confession of the other Commissioners, particularly of *Robert Monkton*, Esq; who declared, that Mr. *Moore*, only read cursorily to them the said articles, without giving them time to examine the same: Besides which, Mr. *Popple*, their Secretary, deposed, That Mr. *Moore* had shewn him a letter in *French* from Monsieur *Orry*, directed to Don *Arturio Moro*, importing in substance, ‘ That he must not expect the ‘ two thousand *louis d’ors per annum*, that had been ‘ promised him, unless he got the three explanatory ‘ articles ratified.’ Mr. *Wheelock*, first Clerk to the Commissioners of trade, and private Secretary to Mr. *Moore*, being also examined upon oath, was in conscience obliged to lay many things to his master’s charge. In this debate there was some dispute between the Lords *Lexington* and *Bolingbroke*, about a letter, which the first maintained to have received from the latter; but it was observed, that the Lord Treasurer remained neuter; and his friends gave out, that he had no share in the ratification of the articles in question.

The Lords resolved to take, the next day, into further consideration, the state of trade with *Spain* and the *West-Indies*; and in order thereto, that the Committee of the *South-Sea* for the *Affiento*, the Commissioners of trade, Mr. *Lowndes*, and Captain *Johnson*, should attend their house. On *Thursday* the 8th of *July*, their Lordships sent a message to the Commons, to desire that such of their members as were of the said Committee of the *South-Sea* company for the *Affiento*, and also *William Lowndes*, Esq; a member of their house, might have leave to attend the house of Lords, that day: Which the Commons complied with; after the Lords, by a second message, had specified the cause for which their Lordships desired their attendance. It appeared

The Lords
proceedings
in relation
to the *Af-
fiento*.

peared by the confession of Mr. *Lowndes*, Secretary, and Mr. *Taylor*, first clerk to the Lord High-Treasurer, that they were only nominal assignees for the quarter part of the *Assiento* contract reserved for her Majesty, and that some persons to them unknown, (but who were strongly suspected to be the Lord *Bolingbroke*, the Lady *Massam*, and Mr. *Arthur Moore*) were to have the benefit of it. Upon which the Lord *Cowper* made a speech, wherein he made it appear, that the uncertainty and suspense in which the *South Sea* company had a long time been kept, whether her Majesty would retain to herself, or give to the company, the quarter part of the *Assiento* contract therein reserved to her, had been the principal obstruction to the company's carrying on that trade. Hereupon the Earl of *Wharton* moved, ' That an address be presented to her Majesty, that she would be graciously pleased to give the *South-Sea* company, not only the quarter part of the *Assiento* contract therein reserved to her Majesty, but also the seven and a half *per cent.* granted to *Manual Manasses Gilligan*, Esq; and any other profits arising from the said contract.' But the question being put thereupon, it was carried in the negative by 55 votes against 43. After this the Earl of *Anglesey* moved, and it was resolved by 56 votes against 40, ' To present an address to her Majesty, to return the thanks of the house for her Majesty's having so generously given, not only licences for the two ships of 500 tons each, and the *Assiento contract*; but also the quarter part, which her Majesty was pleased, at first, to reserve to herself; and that her Majesty would be graciously pleased, that such other advantages which were or might be vested in her Majesty, might be disposed of for the use of the public.' This day's debate took up the Lords till nine of the clock in the evening, so that they had no time,

The Lords
address to
the Queen
about the
Assiento.

time, as some *Whig* Lords designed it, to proceed to the censure of Mr. *Moore*.

The next day, her Majesty's answer to their Lordships address was reported, *viz.*

*H*ER Majesty returns her thanks for this address. The Queen's answer.

She has always had a great consideration for the advice of the house.

And as to the particulars desired, her Majesty will dispose of them as she shall judge best for the service.

The latter part of this answer was very ill relished by the *Whig* Lords, and even by the Earl of *Anglesey* himself, who had made the motion for the address. Some members took that occasion to complain of her Majesty's silence, in relation to the desire of that house, that she would be pleased to name the persons who had advised her to ratify the three *explanatory articles*; and some hot speeches were made on both sides, on that nice affair: But the lottery bill being ready for the royal assent, her Majesty came that very day to the house of Peers, which put an end to that warm debate. It was the general opinion, that if the Parliament had sat one day longer, Mr. *Arthur Moore* would have been censured by the Lords, and ordered to be prosecuted; nay, many hoped that their Lordships would have carried the resentment of his and the Lord *Bolingbroke's* *collusory and corrupt conduct*, in relation to the treaty of commerce with *Spain*, so far as to send them both to the *Tower*. It was also generally thought, that this storm was the result of a late misunderstanding between the two chief Ministers, and raised by the Lord Treasurer, in order to depress the Secretary of state, who endeavoured to put him out of the Queen's favour: But when their animosity seemed to be ready to break out, they wisely considered,

Warm
speeches
about it.

considered, that either of them must, in the end, fall a victim to their enemies, which made them for the present, join their forces for their common safety.

The Queen, being come to the house of Peers, on the 9th of *July*, with the usual state, and the Commons being sent for up, and attending, her Majesty was pleased to give the royal assent to several public and private bills.

After which, her Majesty was pleased to make the following speech to both houses of Parliament.

My Lords and Gentlemen,

The Queen's
speech to
both houses.

THE progress which has been made in public business, and the season of the year, render it both convenient and necessary, that I should put an end to this session.

Gentlemen of the house of Commons,

I return you hearty thanks for all your good services to me, and to your country, and particularly for the supplies you have given me, as well to defray the expences of the current year, as towards the discharge of the national debts.

In our present circumstances it could not be expected, that a full provision should be made on both these heads.

What you have granted shall be laid out with the best husbandry and to the greatest advantage.

My Lords and Gentlemen,

I hope early in the winter to meet you again, and to find you in such a temper as is necessary for the real improvement of our commerce, and of all the other advantages of peace.

My

My chief concern is, to preserve to you, and to your posterity, our holy religion, and the liberty of my subjects; and to secure the present and future tranquillity of my kingdoms. But I must tell you plainly, that these desirable ends can never be attained, unless you bring the same dispositions on your parts; unless all groundless jealousies, which create and foment divisions amongst you, be laid aside; and unless you shew the same regard for my just prerogative, and for the honour of my government, as I have always expressed for the rights of my people.

And afterwards the Lord High Chancellor of *Great-Britain*, by her Majesty's command, said:

My Lords and Gentlemen,

IT is her Majesty's royal will and pleasure, The Parliament prorogued. that this Parliament be prorogued to *Tuesday*, the tenth day of *August* next: And this Parliament is accordingly prorogued to *Tuesday*, the tenth day of *August* next.

THE Queen's death, which happened on the first day of *August*, occasioned a remarkable revolution in the politics of *Great-Britain*. By an act of Parliament passed in the last year of King *William's* reign, the succession to the crown was settled in the house of *Hanover*. In consequence hereof, immediately after the demise of the Queen, King *George the first* was proclaimed King, without any kind of opposition. And pursuant to another act of Parliament passed in the year 1705, the Parliament met at *Westminster*, in the afternoon of the very day the Queen died, but the Speaker of the house of Commons being absent, such members of both houses as were present only qualified themselves by taking the oaths, making and subscribing the declaration, and taking and subscribing the oath

of abjuration; other members, as fast as they came up to town, repaired to their respective houses to do the like, the 2d and 3d of *August*; as the Speaker of the Commons did on *Wednesday* the 4th. The next day, the Lords Justices came to the house of Peers, and sent a message to the Commons by Sir *William Oldes*, Gentleman-usher of the *black-rod*, requiring their immediate attendance. The Commons went up accordingly, and the Lord Chancellor, being one of the Lords Justices, in their name, made the following speech to both houses of Parliament.

My Lords and Gentlemen,

The Lords
Justices
speech to
both houses
August 5th.

‘ **I**T having pleased Almighty God to take to
‘ himself our late most gracious Queen, of
‘ blessed memory, we hope, that nothing has been
‘ omitted, which might contribute to the safety of
‘ these realms, and the preservation of our religion,
‘ laws and liberties, in this great conjuncture. As
‘ these invaluable blessings have been secured to us
‘ by those acts of Parliament, which have settled
‘ the succession of these kingdoms in the most illu-
‘ strious house of *Hanover*, we have regulated our
‘ proceedings by those rules which are therein pre-
‘ scribed.

‘ The Privy-Council, soon after the demise of
‘ the late Queen, assembled at *St. James’s*, where,
‘ according to the said acts, the three instruments were
‘ produced and opened, which had been deposited
‘ in the hands of the Archbishop of *Canterbury*, the
‘ Lord Chancellor, and the Resident of *Brunswick*.
‘ Those, who either by their offices, or by virtue
‘ of these Instruments, had the honour of being ap-
‘ pointed Lords Justices, did, in conjunction with
‘ the Council, immediately proceed to the pro-
‘ claiming of our lawful and rightful Sovereign
‘ King *George*, taking, at the same time, the ne-
‘ cessary care to maintain the public peace.

• In

‘ In pursuance of the acts before-mentioned, this
 ‘ Parliament is now assembled, and we are persuad-
 ‘ ed, you all bring with you so hearty a disposition
 ‘ for his Majesty’s service, and the public good,
 ‘ that we cannot doubt of your assistance in every
 ‘ thing, which may promote those great ends.

Gentlemen of the house of Commons,

‘ We find it necessary to put you in mind, that
 ‘ several branches of the public revenue are expir-
 ‘ ed by the demise of her late Majesty, and to re-
 ‘ commend to you the making such provisions, in
 ‘ that respect, as may be requisite to support the
 ‘ honour and dignity of the crown; and we assure
 ‘ ourselves you will not be wanting in any thing
 ‘ that may conduce to the establishing and advan-
 ‘ cing of the public credit.

My Lords and Gentlemen,

‘ We forbear laying before you any thing that
 ‘ does not require your immediate consideration, not
 ‘ having received his Majesty’s pleasure: We shall
 ‘ only exhort you, with the greatest earnestness, to
 ‘ a perfect unanimity, and a firm adherence to our
 ‘ Sovereign’s interest, as being the only means to
 ‘ continue among us our present happy tranquillity.’

The Commons being returned to their house, and
 their Speaker having made a report of the Lords
 Justices speech, it was resolved, *nemine contradicente*,
 ‘ That an humble address be presented to his Ma-
 ‘ jesty, to condole with his Majesty, upon the sad
 ‘ occasion of the death of our late most gracious
 ‘ Sovereign, to congratulate his Majesty’s happy
 ‘ accession to the throne, and to assure his Majesty
 ‘ of the utmost assistance of this house, to support
 ‘ his Majesty’s undoubted right to the imperial
 ‘ crown of these realms, against the *Pretender*, and
 ‘ all other persons whatsoever: And also, to ex-

Resolution
 of the Com-
 mons for an
 address of
 condolence
 and congra-
 tulation to
 the King.

‘ press the impatient desires of his faithful Commons, for his Majesty’s safe arrival and presence in *Great-Britain*; and the unanimous resolutions of this house to maintain the public credit, and effectually make good all funds which have been granted by Parliament, for the security of any sums of money, which have been or shall be advanced for the public service; and that they will use their utmost endeavours, by all other means, to make his Majesty’s reign happy and glorious.’

After this a Committee was appointed to draw up the said address, and it was unanimously resolved to take the next day into consideration, the Lords Justices speech to both houses.

The same day, the house of Peers agreed upon the following address to his Majesty.

Most gracious Sovereign,

The Lords
address to
the King.
Aug. 5.

W E your Majesty’s most dutiful and loyal subjects, the Lords spiritual and temporal in Parliament assembled, though deeply sensible of the great loss these nations have sustained by the demise of her late Majesty, of blessed memory, think it our duty, at the same time, with thankful hearts to Almighty God, to congratulate your Majesty upon your happy and peaceable accession to your throne: And we do, with the utmost loyalty and duty, assure your Majesty of our zealous and firm resolutions, to support your undoubtedly rightful and lawful title to the crown, against all enemies and pretenders whatsoever.

Our zeal and affection for your Majesty’s service, engage us to exert ourselves with all vigour and unanimity for securing the public safety; and we will always, to the utmost of our power, maintain the honour and dignity of your crown: And we do with faithful hearts beseech your Majesty, as soon as possible, to give us your royal presence,

presence, which we are persuaded will be attended with all other blessings to your kingdoms.

This address having by the Lords Justices been transmitted to the King, his Majesty was pleased to return this most gracious answer.

GEORGE R.

I Take this first opportunity to return you my The King's answer. hearty thanks for your address, and the assurances you have given me therein.

The zeal and unanimity you have shewn upon my accession to the crown, are great encouragements to me, and I shall always esteem the continuance of them as one of the greatest blessings of my reign.

No one can be more truly sensible than I am, of the loss sustained by the death of the late Queen, whose exemplary piety and virtues so much endeared her to her people, and for whose memory I shall always have a particular regard.

My best endeavours shall never be wanting to repair this loss to the nation. I will make it my constant care to preserve your religion, laws, and liberties inviolable, and to advance the honour and prosperity of my kingdoms.

I am hastening to you, according to your desire so affectionately expressed in your address.

On the 6th of *August*, the Commons appointed the *grand Committees for religion, grievances, courts of Justice, trade, and privileges and elections*; came to the usual resolutions, concerning elections; and made the customary orders against strangers coming into the house of Commons, &c. This done, Mr. Secretary *Bromley* reported from the Committee appointed to draw up an address to be presented to his Majesty, that they had drawn up the same,

The Commons appoint their grand Committees,

which was read, and unanimously agreed to as follows:

The Commons address
to the King.

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the Commons of *Great-Britain* in Parliament assembled, having a just sense of the great loss the nation has sustained by the death of our late Sovereign Lady Queen *Anne*, of blessed memory, humbly crave leave to condole with your Majesty on this sad occasion.

It would but aggravate our sorrow particularly to enumerate the virtues of that pious and most excellent Princess: The duty we owe to your Majesty and to our country, oblige us to moderate our grief, and heartily to congratulate your Majesty's accession to the throne, whose princely virtues give us a certain prospect of future happiness in the security of our religion, laws, and liberties, and engage us to assure your Majesty, that we will to our utmost, support your undoubted right to the imperial crown of this realm, against the *Pretender*, and all other persons whatsoever.

Your faithful Commons cannot but express their impatient desire for your Majesty's safe arrival and presence in *Great-Britain*.

In the mean time, we humbly lay before your Majesty, the unanimous resolution of this house, to maintain the public credit of the nation, and effectually to make good all funds which have been granted by Parliament, for the security of any money which has been, or shall be, advanced for the public service, and to endeavour, by every thing in our power, to make your Majesty's reign happy and glorious.

After this the members of the house, who were of the Privy-Council, were ordered to present the said

said address to the Lords Justices, with the desire of the house, that they would transmit the same to his Majesty, with all convenient speed.

This their Excellencies did accordingly, and on the 25th of *August*, Mr. Secretary *Bromley* acquainted the house, that the Lords Justices had received his Majesty's answer to the humble address of this house, as follows :

GEORGE R.

YOUR dutiful and loyal address is very acceptable to me. The unanimity and affection my Commons have shewn upon my accession to the crown, are most agreeable instances and pledges of their fidelity to me. I have a just sense of your inexpressible loss, by the death of your late Sovereign. You may be assured of my constant endeavours to secure to you the full enjoyment of your religion, laws, and liberties, and that it will always be my aim, to make you a happy and flourishing people; to which your resolution to maintain the public credit of the nation will greatly contribute. I am hastening to you according to your earnest desire, and the just expectations of my people.

The King's
answer to
the Com-
mons ad-
dress.

Mr. Speaker having read this answer to the house, it was resolved, *Nemine contradicente*, that the humble thanks of this house be returned to his Majesty, for his most gracious message, in answer to their address : And ordered, that the said return of thanks to his Majesty, be presented to the Lords Justices, with the desire of this house, that they will transmit the same to his Majesty.

On the 6th of *August* a motion was made in the house of Commons, ' That a supply be granted to his Majesty for the better support of his Majesty's

‘ household, and of the honour and dignity of the crown:’ The consideration of which was referred to the Committee of the whole house, the next day, when the said motion was unanimously agreed to, and framed into a resolution, which was reported, and agreed to on *Monday*, the ninth of *August*.

The Commons resolve to grant the King a supply for the support of his household, &c.

The next day, the Commons, in a grand Committee, considered further of the supply granted to his Majesty, and after some debate, came to two resolutions, which on the 11th were reported by Mr. *Conyers*, the Chairman of that Committee, and agreed to by the house, as follows: 1st, ‘ That towards the supply granted to his Majesty, for the support of his Majesty’s household, and of the honour and dignity of the crown, the same revenues which were payable to her late Majesty Queen *Anne* of blessed memory, during her life, and had continuance till the time of her demise, be granted and continued in like manner to his Majesty, during his life, except the revenue of the duchy of *Cornwall*, which is by law vested in his royal highness the Prince, as Duke of *Cornwall*.’ 2dly, ‘ That the said revenues be continued from the death of her late Majesty:’ And then ordered a bill to be brought in upon the said resolutions. Hereupon *John Wykes*, Esq; member for the town of *Northampton*, proposed the tacking to it the bill, which had so often miscarried, *for limiting the number of officers in the house of Commons*: But no body seconded that motion.

A bill ordered to be brought in thereupon. Motion for tacking another bill to it, dropt.

Before we proceed, we must take notice of some private transactions in the house of Commons. According to the resolution taken in council, the Parliament met the very *Sunday* the Queen expired; but the Speaker of the Commons being in the country, Mr. *Bromley*, Secretary of state, moved to adjourn to the *Wednesday* following, and was seconded by Mr. C——s. Sir *Richard Onslow* represented

sented thereupon, that time was too precious at that nice juncture, to trifle away the least part of it, and therefore he moved that the house should adjourn to the next day: Which was carried.

Motion for an adjournment in the house of Commons disapproved.

A great many persons, particularly the leading men among the *Tories*, whose hopes and designs were dashed by the Queen's sudden death, were extremely angry with Doctor *Ratcliffe*, for not attending her Majesty, when sent for by the Duke of *Ormond*; upon a fond belief, that he might have preserved her Majesty's life. Their resentment went so far, that on the 5th of *August*, Sir *John Packington* made a complaint against him in the house of Commons; but it being represented that the Doctor, who had the honour to be a member of the house, was then absent, that matter dropt. The same day, Mr. *Bromley*, Secretary of state, moved the *address of condolance and congratulation*; dwelt much on the great loss the nation had sustained by the death of the late Queen; and was backed by several members. *Thomas Onslow*, Esq; son to Sir *Richard Onslow*, said thereupon, 'That the principal stress of the address ought not to lie upon *condoling*, but upon *congratulating*, and giving the King assurances of their readiness to maintain both his Majesty's undoubted title to the crown, and public credit.' When the address had, the next day, been reported and agreed to, a motion was made, that two members of the house should be appointed to carry over, and present it to his Majesty; but nobody seconding that motion, it was resolved, that the Lords Justices should be desired to transmit it to the King.

Sir *John Packington* complains of Dr. *Ratcliffe* in the house of Commons.

A remarkable speech about the address.

Motion to send the address to the King by two Members, dropt.

On *Sat. Aug. 7.* there was a small debate about the choice of the Chairman of the grand Committee of the subsidy: Some of the *Tory* members having moved, and insisting on the placing Sir *William Wyndham* in the chair; *Robert Walpole*, Esq; represented

Debate about the choice of Chairman of the Committee of the subsidy.

Some *Tories* propose the giving the King a million for the civil list.

sented, That Mr. *Conyers* had, so many years, so well discharged that office, that it were inconsistent with gratitude, good manners, and prudence, to chuse another: Upon which Mr. *Conyers* was placed in the chair. The *Tories* having lost this point, some of them, in order to curry favour with the new Government (whose interest, they were conscious to themselves, they had lately opposed) proposed the giving the King one million sterling, *for the support of his Majesty's household, and of the honour and dignity of the crown, &c.* That is about 300000 *l.* more than the late Queen enjoyed: But tho' no direct opposition was then made against that motion, yet the same was afterwards dropt; the wisest in both parties being of opinion, that the only way to preserve our excellent constitution, is to keep the crown still dependent for *extraordinary subsidies*, on the house of Commons; and that none but *slavish time-servers*, and enemies to their King and country, will ever be for putting the Sovereign in such a condition, as that he may live without Parliaments.

Aug. 2^{ist}, the Lords Justices went to the house of Peers, and the Commons being sent for up, and attending, their Speaker, upon presenting to their Excellencies *the bill* for the better support of his Majesty's household, and of the honour and dignity of the crown of *Great-Britain, together with the other money bill*, made the following speech.

My Lords,

• **T**HE Knights, Citizens and Burgeesses of
 • *Great-Britain*, in Parliament assembled,
 • under the present happiness they enjoy by his
 • Majesty's peaceable and quiet accession to the
 • Throne, could not enter upon any work more satisfactory and pleasing to themselves, than the
 • providing a sufficient revenue for the occasions of
 • his Majesty's civil Government, in order to make
 • his

his reign as easy and prosperous, as the beginning of it hath been secure and undisturbed.

They are sensible, that the peace of the Kingdom is not to be preserved, nor the rights and liberties of the subjects to be protected, without supporting the just authority and dignity of the crown; and therefore they have thought it their interest as well as duty, to make such a provision as may not barely suffice to the necessity of the Government, but may be suitable to the state, the honour, the lustre, which the crown of *Great-Britain* ought to be attended with.

Whatsoever is superfluous in that provision, and more than the ordinary services of his Majesty shall require, will but enable him to exert his highest and most valuable prerogative of doing good: And we can give no greater proof of the trust we repose in his Majesty's gracious disposition, than putting the same entire revenue into his hands, which her late Majesty died possessed of; whose virtues we all admired, and of whose affection and concern for the religion, laws and liberties of this kingdom, we had so long experience.

As the crown itself descends immediately, and knows no vacancy, the Commons have taken care that the revenue should follow it as close as possible, for they have given all the dispatch to this grant which the forms of their proceedings would allow; so that when his Majesty shall please to answer the impatient desires of his people, by coming to take possession of his kingdoms, he will find himself equally established in these revenues, as if he had succeeded to all by an uninterrupted right of inheritance: The only difference is this, that if he had inherited them, he would have wanted one Proof of the duty, and affection, and unanimity of his subjects.

Our desire is, that this may be looked upon as an earnest and pledge of that zeal and fidelity which

‘ which we shall always retain, and which upon every occasion we shall be ready to demonstrate to his Majesty’s person and Government: As such, we hope his Majesty will graciously accept it at this time; and hereafter, when he shall have had experience of this first voluntary offering of his loyal Commons, we hope he will find it to his satisfaction, as large and as ample as he could wish; might but the term of the grant be as long as we could wish! since it is to have equal continuance with his Majesty’s life.

My Lords,

‘ The bill which the Commons have passed for the purposes I have mentioned, is intituled, *An act for the better support of his Majesty’s household, and of the honour and dignity of the crown of Great-Britain.*

‘ They have also prepared another bill, as well for the rectifying mistakes in the names of the Commissioners for the land-tax, as for raising so much as is wanting to make up the sum of fourteen hundred thousand pounds, intended to be raised by lottery for the public service, in the year 1714. This having been recommended to their care, and appearing to them to be necessary for his Majesty’s and the public service, they have reason to think they have now abundantly supplied the defect in the former provision; and in this assurance, they humbly present this bill also for the royal assent.

Acts passed.

Then the Lords Justices gave the royal assent to the three following public bills:

1. *An act for the better support of his Majesty’s household, and of the honour and dignity of the crown of Great-Britain.*

2. *An act for rectifying mistakes in the names of the Commissioners for the land-tax, for the year one thousand seven*

seven hundred and fourteen; and for raising so much as is wanting to make up the sum of fourteen hundred thousand pounds, intended to be raised by a lottery for the public service in the said year.

3. *An act to enable persons now residing in Great-Britain, to take the oaths, and to do all other acts in Great-Britain, requisite to qualify themselves to continue their respective places, offices, and employments, in Ireland.*

After which the Lord Chancellor, being one of the Lords Justices, in their name made the following speech to both houses of Parleament.

My Lords and Gentlemen,

WE cannot but express our greatest satisfaction, and, in his Majesty's name, return you thanks, for the convincing proofs which you have given, in this session, of your duty and affection to his Majesty, and of your zeal for his government.

The Lords
Justices
speech to
both houses.

We must particularly thank you, *Gentlemen of the House of Commons*, for the aids which you have granted to his Majesty, for the better support of the honour of the crown, and for preventing any disappointment in the supplies given in the last session for the service of this year. You may be assured, that the unanimity, the cheerfulness, and the dispatch with which you have proceeded in granting these aids, will render them yet more acceptable to his Majesty. And you may depend upon our making a faithful representation thereof to him.

My Lords and Gentlemen,

All necessary business being now happily concluded, it will be proper for us to put a speedy end to this session. We think fit, at present, in his Majesty's name, to desire you forthwith respectively

spectively to adjourn yourselves until *Wednesday* next.

Accordingly both houses immediately adjourned to *Wednesday* the 25th of *August*, when being met again, the Commons ordered that *their Speaker* be desired to print the speech by him made the Saturday before. Then Mr. Secretary *Bromley* acquainted the house, that the Lords Justices had received his Majesty's answer to the *bumble address* of this house at the beginning of this session; which he presented to the house; as was related before.

After this the Lords Justices went to the house of Peers, and the Commons being sent for up, and attending, the Lord Chancellor, in the name of their Excellencies, made the following speech to both houses:

My Lords and Gentlemen,

HAVING, since your late adjournment, received his Majesty's most gracious answer, under his sign manual, to your several addressees; and by his Majesty's command, ordered them to be delivered to you respectively: We do now, in his Majesty's name, prorogue this present Parliament till *Thursday* the twenty third day of *September* next: And this present Parliament is accordingly prorogued to *Thursday* the twenty third day of *September* next.

The Parliament prorogued, *August* 25th.

After several prorogations, on the fifth of *January*, the King in council signed the following *Proclamation*, for dissolving the present Parliament.

GEORGE R.

WHEREAS we have thought fit, by and with the advice of our Privy-council, to dissolve the present Parliament, which now stands prorogued

prorogued to *Thursday* the thirteenth day of this instant *January*; We for that end publish this our royal proclamation, and do hereby dissolve the said Parliament accordingly: And the Lords spiritual and temporal, and the Knights, Citizens, and Burgeſſes, and Commiſſioners for ſhires and burghs of the houſe of Commons, are diſcharged from their meeting on *Thursday* the ſaid thirteenth day of this instant *January*. And we being reſolved to meet our people, and have their advice in Parliament, do hereby make known to all our loving ſubjects, that we will ſpeedily call a new Parliament.

Given at our Court at St. James's, the fifth day of January, 1714. In the firſt year of our reign.

Ten days after, the King in council, ſigned the following *Proclamation* for calling a new Parliament.

GEORGE R.

IT having pleaſed Almighty God, by moſt remarkable ſteps of his Providence, to bring us in ſafety to the Crown of this Kingdoms, notwithstanding the deſigns of evil men, who ſhewed themſelves diſaffected to our ſucceſſion, and who have ſince, with the utmoſt degree of malice, misrepresented our firm reſolution, and uniform endeavours to preſerve and defend our moſt excellent conſtitution both in Church and State, and attempted by many falſe ſuggeſtions to render us ſuſpected to our people; We cannot omit, on this occaſion of firſt ſummoning our Parliament of *Great-Britain* (in juſtice to ourſelves, and that the miſcarriages of others may not be imputed to us, at a time when falſe impreſſions

sions may do the greatest and irrecoverable hurt before they can be cleared up) to signify to our whole kingdom, that we were very much concerned, on our accession to the crown, to find the public affairs of our kingdoms under the greatest difficulties, as well in respect of our trade and the interruption of our navigation, as of the great debts of the nation, which we were surprized to observe, had been very much increased since the conclusion of the last war. We do not therefore doubt that if the ensuing elections shall be made by our loving subjects, with that safety and freedom which by law they are intituled to, and we are resolved to maintain to them, they will send up to Parliament the fittest persons to redress the present disorders, and to provide for the peace and happiness of our kingdoms, and the ease of our people for the future, and therein will have a particular regard to such as shewed a firmness to the *Protestant succession*, when it was most in danger: We have therefore found it necessary, as well for the causes aforesaid, as for other weighty considerations concerning us and our kingdoms, to call a Parliament, and we do accordingly declare, That with the advice of our Privy-council, we have this day given order to our Chancellor of *Great-Britain*, to issue out writs, in due form, for the calling a new Parliament; which writs are to bear *Tesste* on *Monday* the seventeenth day of this instant *January*, and to be returnable on *Thursday* the seventeenth day of *March* next following.

Given at our Court at St. James's, the fifteenth day of January, 1714. In the first year of ourreign.

A List

A List of the Parliament which met at *Westminster* the 17th day of *March* 1715, being the first Parliament of King *George I.*

A LIST of the PEERS.

NOTE, *Those mark'd thus * were under age.*

His Royal Highness Geo.
Augustus, Prince of
Wales, &c.

DUKES, &c.

William Cowper, Lord
Cowper, Lord High
Chancellor of Great-
Britain.

Daniel Finch, Earl of
Nottingham, Lord
President of the Coun-
cil.

Thomas Wharton, Earl
of Wharton, Lord
Privy Seal.

† Thomas Howard, D.
of Norfolk, Earl Mar-
shal, and Hereditary
Marshal of England.

William Cavendish, D.
of Devonshire, Lord
Steward of the King's
Household.

Charles Talbot, Duke
of Shrewsbury, Lord
VOL. VI.

Chamberlain of the
King's Household.

Charles Seymour, Duke
of Somerset, Master
of Horse.

Charles Fitz-Roy, D. of
Cleveland and South-
ampton.

Charles Lenos, D. of
Richmond.

Charles Fitz-Roy, D. of
Grafton.

James Butler, D. of Or-
mond.

* Henry Somerset, D.
of Beaufort.

George Fitz-Roy, D. of
Northumberland.

Charles Beauclair, D. of
St. Albans, Captain
of the band of Gen-
tlemen Pensioners.

Charles Pawlet, D. of
Bolton.

Meinhardt Schonberg,
D. Schonberg.

Peregrine

T

Peregrine Osborne, D. of Leeds.
Henry Clinton, E. of Lincoln.

* Wriothesly Ruffel, D. of Bedford.
Henry Howard, E. of Suffolk and Bindon,

John Churchill, D. of Marlborough, Captain of England.
Deputy Earl-Marshal

General.
Lionel Cranfield Sackville, E. of Dorset and Middlesex, Lord Warden of the Cinque-Ports.

John Manners, D. of Rutland.
James Cecil, E. of Salisbury.

John Mountagu, D. of Mountagu.
John Cecil, E. of Exeter.

James Graham, D. of Montrose.
Scroop Egerton, Earl of Bridgewater, Lord Chamberlain to the Prince.

John Ker, D. of Roxborough.
John Sidney, E. of Leicester.

* Charles Douglas, D. of Dover.
George Compton, E. of Northampton, Constable of the Tower of London.

Henry de Grey, D. of Kent.
* Edward-Henry Rich, E. of Warwick and Holland.

MARQUISSES.

Robert Bertie, Marquis of Lindsey, Lord Great Chamberlain of England.

Evelyn Pierpont, Marquis of Dorchester.

Basil Fielding, E. of Denbigh.

Thomas Fane, E. of Westmoreland.

Charles Montagu, E. of Manchester.

Henry Bowes Howard, E. of Berkshire.

John Savage, E. Rivers.

Charles

E A R L S.

James Stanley, Earl of Derby.

† Theophilus Hasting, Earl of Huntingdon.

Thomas Herbert, E. of Pembroke and Montgomery.

A. 1715.

D E B A T E S.

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Charles Mordaunt, Earl
of Peterborough and
Monmouth.

Thomas Grey, Earl of
Stamford.

Heneage Finch, Earl of
Winchelsea.

Philip Stanhope, E. of
Chesterfield.

Thomas Tufton, E. of
Thanet.

Charles Spencer, E. of
Sunderland, Ld. Lieu-
tenant of Ireland.

Nicholas Leak, E. of
Scarfdale.

Edward Montague, E.
of Sandwich.

Edward Hyde, E. of
Clarendon.

* William Capel, E. of
Effex.

George Brudenel, E. of
Cardigan.

Arthur Annesley, E. of
Anglesey.

Charles Howard, E. of
Carlisle.

Thomas Bruce, E. of
Ailesbury.

* Richard Boyle, E. of
Burlington.

* Anthony-Ashley Coo-
per, Earl of Shaftf-
bury.

Edward-Henry Lee, E.
of Litchfield.

Thomas Lennard, E. of
Suffex.

Charles-BodvileRobarts,
E. of Randor, Trea-
surer of the Chamber.

William Paston, E. of
Yarmouth.

James Berkeley, E. of
Berkeley.

Henry Hyde, E. of Ro-
chester.

Montague-VenablesBer-
tie, E. of Abingdon.

* Baptift Noel, E. of
Gainsborough.

Robert Darcey, E. of
Holderness.

Other Windsor, E. of
Plymouth.

† James Ratcliff, E. of
Derwentwater.

† Henry-Stafford How-
ard, E. of Stafford.

Henry Bentick, E. of
Portland.

Arthur Herbert, E. of
Torrington.

Richard Lumley, E. of
Scarborough.

George Booth, E. of
Warrington.

Richard Newport, E. of
Bradford.

Frederick Zulestein, E.
of Rochford.

Arnold Joost van Kepel,
E. of Albemarle.

Gilbert Coventry, E. of
Coventry.

Edward Russel, E. of
Orford, first Commis-
sioner

- fioner of the Admiralty.
 William Villers, E. of Jersey.
 Henry D'Auverquerque, E. of Grantham.
 John Campbell, E. of Greenwich, (and Duke of Argyle) General of the forces in Scotland.
 John Poulet, E. Poulet,
 Francis Godolphin, E. of Godolphin, Con-
 ferer to the King.
 Hugh Cholmondeley, E. of Cholmondeley
 Treasurer of the Household.
 Robert Harley, E. of Oxford and Earl Mortimer.
 Robert Shirley, E. of Ferrers.
 Thomas Wentworth, E. of Strafford.
 William Legg, E. of Dartmouth.
 James Brydges, E. of Caernarvan.
 Lewis Watson, E. of Rockingham.
 Charles Bennet, E. of Tankerville.
 Charles Montague, E. of Hallifax, first Commissioner of the Treasury.
 Heneage Finch, E. of Aylesford, Chancellor
- of the Duchy of Lancaster.
 John Hervey, E. of Bristol.
 Thomas Pelham, E. of Clare.
 Henry Paget, E. of Uxbridge, Captain of the Yeomen of the Guard.
- VISCOUNTS.
 Charles Townshend, Viscount Townshend, Secretary of State.
 Price Devereux, Vis. Hereford.
 † Henry Brown, Vis. Montacute.
 Lawrence Fines, Vis. Say and Sele.
 † Lawrence Bellafyse, Visc. Falconberg.
 William Hatton, Vis. Hatton.
 Talbot Yelverton, Vis. Longueville.
 * Henry Lowther, Vis. Lonsdale.
 Henry St. John, Visc. Bolingbroke.
 Henry Obrian, Vis. Tadmor.
- BARONS.
 George Nevil, Lord Aberghavenny.
 † James Touchet, Lord Audley.

- | | |
|---|---|
| John West, Lord De la War. | Banaster Maynard, Lord Maynard. |
| Charles Mildmay, Lord Fitzwalter. | Charles Howard, Lord Howard of Escrick. |
| Edward Ward, Lord Dudley and Ward. | Charles Bruce, Ld. Bruce. |
| † Edward Stourton, Ld. Stourton. | Edward Leigh, Lord Leigh. |
| Dr. George Verney Ld. Willoughby of Brook. | William Byron, Ld. Byron. |
| Charles Willoughby Ld. Willoughby of Parham. | † William Widdrington, Lord Widdrington. |
| Thomas Howard, Ld. Howard of Effingham. | John Colepeper, Lord Colepeper. |
| William North, Lord North, and Ld. Gray of Rolleston. | Peregrine Bertie, Lord Willoughby of Eresby |
| William Ferdinand Cary Lord Hunfdon. | Robert Sutton, Lord Lexington. |
| William St. John, Lord St. John of Bletsho. | † Marmaduke Langdale, Ld. Langdale. |
| James Compton Lord Compton. | William Berkley, Lord Berkley of Stratton, first Commissioner of trade. |
| † * Robert Petre, Lord Petre. | Charles Cornwallis, Ld. Cornwallis. |
| † Henry Arundel Ld. Arundel of Wardour. | Nathaniel Crew, Lord Crew, and Lord Bishop of Durham. |
| Richard Lumley, Lord Lumley. | John Arundel, Lord Arundel of Trevice. |
| † Charles Dormer, Ld. Dormer. | * William Craven, Ld. Craven. |
| † Henry Roper, Lord Teynham. | † Hugh Clifford, Lord Clifford of Chudleigh. |
| * William Grevill, Lord Brooke. | Peregrine Hyde Osborne Lord Osborne. |
| * Nevil Lovelace, Lord Lovelace. | John Carteret, Ld. Carteret. |

William Stawell, Lord Stawell.	Samuel Masham, Lord Masham.
Francis North, Ld. Guilford.	Thomas Foley, Ld. Foley.
+ James Waldgrave, Ld. Waldgrave.	Allen Bathurst, Lord Bathurst.
John Ashburnham, Ld. Ashburnham.	Robert Benson, Lord Bingley.
Thomas Farmer, Lord Leimptfer.	James Saunderson, Lord Saunderson.
Charles Butler, Ld. Butler of Weston.	Bennet Sherrard, Lord Harborough.
Henry Herbert, Ld. Herbert of Cherbury.	Gervase Pierrepont, Ld. Pierrepont.
Maurice Thompson, Ld. Haverham.	Henry Boyle, Lord Carleton.
John Somers, Lord Somers.	Richard Temple, Lord Cobham.
Christopher Vane, Lord Barnard.	
* John-Leveson Gower, Lord Gower.	ARCHBISHOPS and BISHOPS.
Francis-Seymour Conway, Lord Conway.	Dr. Thomas Tennison, Lord Archbishop of Canterbury.
Simon Harcourt, Lord Harcourt.	Sir William Dawes, Bart. Lord Archbishop of York.
Charles Boyle, Ld. Boyle, and Earl of Orrery.	Dr. John Robinson, Ld. Bishop of London.
George Hay, Ld. Hay.	Dr. Nathaniel Crew, L. Bp. of Durham, and Lord Crew.
Thomas Windsor, Lord Mountjoy.	Sir Jonathan Trelawny, Bart. L. Bp. of Winchester.
Thomas Mansel, Lord Mansel.	Dr. William Lloyd, Ld. Bp. of Worcester.
Thomas Willoughby, Lord Middleton.	
Thomas Trevor, Lord Trevor.	
George Granville, Lord Lansdowne.	

Dr.

A. 1715.

DEBATES.

279

Dr. John Hough, Ld.
Bp. of Litchfield and
Coventry.

Dr. Richard Cumberland,
Ld. Bishop of Peter-
borough.

Dr. William Talbot, Ld.
Bishop of Oxford.

Dr. John Evans, Ld. Bp.
of Bangor, Ld. Almo-
nester to the Prince.

Dr. William Nicholson,
Ld. Bp. of Carlisle.

Dr. George Hooper, Ld.
Bishop of Bath and
Wells.

Dr. William Wake, L.
Bp. of Lincoln.

Dr. John Tyler, L. Bp.
of Llandaff.

Dr. Offspring Blackhall,
Ld. Bishop of Exe-
ter.

Dr. Charles Trimnel, Ld.
Bp. of Norwich.

Dr. William Fleetwood,
Ld. Bp. of Ely.

Dr. Thomas Manning-
ham, Ld. Bp. of Chi-
chester.

Dr. Philip Biss, Ld. Bp.
of Hereford.

Dr. Adam Ottley, L. Bp.
of St. David's.

Dr. Francis Atterbury,
Ld. Bp. of Rochester.

Dr. George Smalridge,
Ld. Bp. of Bristol,
Ld. Almoner to the
King.

Dr. Francis Gastrel, Ld.
Bp. of Chester.

Dr. Richard Willis, Ld.
Bp. of Gloucester.

Dr. John Wynn, L. Bp.
of St. Asaph.

The Sixteen PEERS of SCOTLAND.

James Graham, Duke of
Montrose, Secretary of
State. P. C.

John Ker, Duke of Rox-
burgh, Lord Privy-
Seal of Scotland, P. C.

John Hay, Marquis of
Twedale.

William Johnston, Mar-
quis of Annandale,
Lord Chancellor of
Scotland, P. C.

George Gordon, Earl of
Sutherland.

George Hamilton, Earl
of Orkney, Gentle-
man of the Bed-Cham-
ber in extraordinary to
his Majesty.

John Dalrymple, Earl of
Stair. P. C.

Archibald Campbell, E.
of Isla, Lord Register
of Scotland. P. C.

T 4

David

David Erskine, Earl of Buchan.	Henry Scot, Earl of De- loraine.
— Stewart, Earl of Bute.	William Rofs, Ld. Rofs.
John Lesley, Earl of Roths, Lord Admi- ral of Scotland.	John Hamilton, Lord Belhaven, Gentleman of the Bed-Chamber to the Prince of Wales.

The House of COMMONS.

NOTE, *Where the blanks are left, the same Mem-
bers were chose for the same places again.*

*Members of the last Par-
liament.*

*Members of the new Par-
liament.*

BEDFORDHIRE 4.

Sir Pynsent Charnock Bar.	* William Hillerfden Esq
John Harvey Esq;	
Bedford.	

John Cater Esq;	* William Farrer Esq;
* Samuel Rolt Esq;	* Thurlo Brace Esq;

BERKSHIRE 9.

† Sir John Stonehouse
Bart.

† Robert Packer Esq;
New Windsor.

Charles Aldworth Esq;
† Christopher Wren Esq
Reading.

† Felix Calvert Esq;
† Robert Clargis Esq;
Wallingford.

Richard Brigg Esq;

† Robert Gayer Esq;

* Edmund Dunch Esq;
Thomas

A. 1715.

DEBATES.

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Thomas Renda Esq; * William Hucks Esq;
Abingdon.

Hon. Sim. Harcourt Esq; † James Jennings Esq;
BUCKS 14.

Rt. Hon. John Lord Viscount Fermannagh. * Richard Hampden Esq;

† John Fleetwood Esq;
Buckingham.

Thomas Chapman Esq; * Alexander Denton Esq;
John Ratcliffe Esq; * Abraham Stanyan Esq;
Chipping-Wicomb.

* Sir Thomas Lee Bar.

* Sir John Witterong Bar.
Ailesbury.

John Effington Esq; * John Deacle Esq;
Simon Harcourt Esq; * Nathaniel Mead Esq;
Agmondesham.

† Montague-Garrard
Drake Esq;

James Herbert Esq; † Lord Vis. Fermanagh.
Wendover.

* Rt. Hon. James Stanhope Esq; Secretary of State. * Richard Greenville Esq;

* Sir Roger Hill Knt.
Great-Marlow.

Sir James Etheridge Kt. * Rt. Hon. Lord Shelburne.
† George Bruere Esq;

CAMBRIDGESHIRE 6.

† John Bromley Esq;

* John Jenyns Esq;
Cambridge-University.

† Hon. Dixey Windsor Esq; Keeper of the Stores in the Tower.

† Thomas Paske L.L.D.

Cambridge.

Cambridge.

† Sir John Hynde Cotton Bar.

Samuel Shephard, jun. Esq; † Thomas Sclater Esq;

CHESHIRE 4.

† Sir George Warburton Bar.

Charles Cholmondeley Esq;

* Hon. Langham Booth Esq;

City of Chester.

† Sir Henry Bunbury Bar.

Peter Shackerly Esq;

* Sir Rd. Grosvenor Bar.

CORNWALL 44.

† Sir William Carew Bar.

† John Trevanion Esq;
Dunhivid, *alias* Launceston.

† John Anstis Esq;

† Edward Hearle Esq;
Leskard.

William Bridges Esq;

* John Trelawney Esq;

† Philip Rashleigh Esq;
Lestwithiel.

Sir Thomas Clargis Bar.

* Thomas Lyddal Esq;

Erasmus Lewis Esq;

* Galfridus Walpole.

Truro.

William Collier Esq;

* Coll. Selwin.

Thomas Hare Esq;

* Spencer Cowper Esq;

Bodmin.

* Hon. Fran. Robarts Esq;

Thomas Sclater Esq;

† John Leigh Esq;

Helfton.

Alex. Pendarves Esq;

* Sir Gilbert Heathcote.

Thomas Tonken Esq;

* Sidney Godolphin Esq;

Saltash.

Jonathan Eldford Esq;

† Stilton Galmady Esq;

† William Shippen Esq;

Camel-

Camelford.

Sir Bowchier Wray Bar.

James Nichols Esq;

Portpigham *alias* West-
low.

Sir Charles Wager Knt.

Hon. John Trelawney

Esq;

Grampound.

Right Hon. Tho. Coke

Esq; Vice-Chamber-
lain.

Andrew Quick Esq;

Eastlow.

Right Hon. Sir Charles

Hedges Kt.

Edward Jenings Esq;

Penryn.

* Right Hon. Hugh Bos-

cawen Esq; Comptrol-
ler of the Household.

* Samuel Trefusis Esq;

Tregony.

* Sir Edmund Prideaux

Bar.

* James Craigs jun. Esq;

Bossiney.

Sir William Pole Bar.

Paul Orchard Esq;

St. Ives.

Sir Wm. Pendarves Bar.

John Hopkins Esq;

Foway.

* Henry Vincent jun. Esq;

Germain Wych Esq;

St. Germans.

Edward Eliot Esq;

* John Knight Esq;

* James Montague Esq;

* Richard Coffen Esq;

* Thomas Maynard Esq;

* George Delavall Esq;

* Charles Cook Esq;

Commiffary of Trade.

* Hon. John West Esq;

* John Smith Esq;

* Sir James Bateman Kt.

* Henry Cartwright Esq;

* Samuel Molyneux Esq;

* Lord Henry Pawlet.

* Sir John Hobbart Bar.

† Jonathan Elford Esq;

* John Benson Esq;

St.

St. Michael.

Sir Henry Bellasis Knt.

Sir John Statham Knt.

Newport.

† Sir Nich. Morice Bar.

* Humphrey Morice Esq;

St. Mawes.

Francis Scobell Esq;

Edward Rolt Esq;

Kellington.

† Sir John Coryton Bar.

† Samuel Rolle Esq;

CUMBERLAND 6.

* James Lowther Esq;

* Gilfrid Lawfon Esq;

Carlisle-City.

Sir Christ. Musgrave Bar.

* Thomas Stanwix Esq;

Cockermouth.

* Nichol. Lechmere Esq;

Sollicitor-General.

Joseph Musgrave Esq;

DERBYSHIRE 4.

† John Curzon Esq;

† Godfrey Clark Esq;

Derby.

Nathaniel Curzon Esq;

Edward Munday Esq;

DEVONSHIRE 26.

Sir Wm. Courtney Bar.

Sir Copplestone Warwick

Bampfylde Bar.

Exeter-City.

John Rolle Esq;

† Francis Drew Esq;

Totness.

Francis Gwyn Esq;

† Steph. Northleigh Esq;

* Nath. Blackistone Esq;

* Rob. Molefworth Esq;

Commissioner of trade.

* William Lowndes Esq;

* John Chetwynd Esq;

* Will, Strickland Esq;

* Mr. Secretary Stanhope.

* Rt. Hon. Lord James Cavendish.

* William Stanhope Esq;

† John Bampfylde Esq;

† Arth. Champneys Esq;

Plymouth.

Plymouth.

* Hon. Sir George Byng
Knt. Commissioner of
the Admiralty.

* Sir John Rogers Bart.
Okehampton.

+ William Northmore
Jun. Esq;

+ Christopher Harris Esq
Barnstaple.

Sir Nicholas Hooper Kt.
one of his Majesty's
Serjeants at law.

+ Sir Arthur Chichester
Bart.

Plympton.

* Richard Edgcombe Esq

* George Treby Esq;
Honiton.

Sir William Drake Knt.
and Bart.

James Sheppard Esq;
Tavistock.

* Sir John Cope Jun. Kt.
James Bulteel Esq;

Ashburton.

* Roger Tuckfeld Esq;

+ Richard Reynell Esq;
Clifton-Dartmouth-
Hardnes.

Sir William Drake Knt.
and Bart.

+ John Fowndes Esq;
Borlston.

Sir Peter King Kt.

+ Lawrence Carter Esq;

+ John Roll Esq;

* Sir Wm. Courtenay Bar.

* William Younge Esq;

* Francis Henry Drake
Esq;

+ Joseph Herne Esq;

* Horatio Walpole Jun.
Esq;

Tiverton.

Tiverton.

* Sir Edward Northey
Kt. Attorney-General,
John Worth Esq;

* Tho. Beere Esq; Com.
of the Victualling.

DORSETSHIRE 20.

† Thomas Strangeways
Jun. Esq;

† George Chaffin Esq;
Pool.

† Sir William Lewen Kt.

* George Trenchard Esq;
Dorchester.

† Sir Nathaniel Napier
Bart.

† Henry Trenchard Esq;
Lyme-Regis.

† Henry Henley Esq;
* John Burridge Jun. Esq;

Weymouth.

Sir Thomas Hardy Knt.
William Harvey Esq;

Melcomb-Regis.

James Littleton Esq;
Commissioner of the
Navy.

Reginald Marriott Esq;
Bridport.

John Hoskins Gifford Esq

* William Coventry Esq;
Shafton alias Shaftsbury.

† Edward Nicholas Esq;

Henry Whitaker Esq;
Wareham.

* Right Hon. Tho. Erle
Esq; Lieutenant of the
Ordnance, and Gover-
nor of Portsmouth.

* George Pitt Esq;

* John Henley Esq;

* Lieut. General Harvey.
* Admiral Baker.

* Thomas Littleton Esq;

* William Betts Esq;

* Tho. Strangeways Esq;

† Samuel Rush Esq;

Corfe-

Corfe-Castle.

Richard Fownes Esq;

* Dennis Bond Esq;

John Bankes Esq;

* William Ogden Esq;

D U R H A M 4.

* John Eden Esq;

† John Hedworth Esq;

Durham-City.

† Thomas Conyers Esq;

* George Baker Esq;

E S S E X 8.

Sir Charles Barrington
Bart.

* Tho. Middleton Esq;

† Sir Richard Child Bart.
Colchester.

William Gore Esq;

* Sir Isaac Rebow Kt.

Nicholas Corfellis Esq;

* Richard Ducane Esq;

Malden.

† John Comyns Esq; Ser-
jeant at law.† Thomas Bramston Esq;
Harwich.Carew Hervey Mildmay
Esq;

* Sir Philip Parker Bart.

Benedict Leonard Calvert
Esq;

* Thomas Heath Esq;

G L O U C E S T E R S H I R E 8.

John Berkley Esq;

* Matthew Duce Morton
Esq;* Thomas Stephens Esq;
Gloucester City.

† Charles Cox Esq;

† John Snell Esq;

Cirencester.

† Thomas Masters Esq;

* Benjamin Bathurst Esq;
Tewkesbury.* William Dowdeswell
Esq;

* Anthony Lechmere Esq;

H E R E.

HEREFORDSHIRE 8.

Rt. Hon. James Ld. Vis. † Richard Hopton Esq;
Scudamore.

† Sir Tho. Morgan Bar.
Hereford City.

Hon. James Brydges Esq; † Rt. Hon. the Ld. Vis.
now E. of Caernarvan. Scudamore.

† Thomas Foley Esq;
Auditor of the imprest.
Lempster.

† Edw. Harley Esq; Au-
ditor of the imprest.

Henry Gorges Esq; * Lord Conningsby.
Woebly.

John Birch Esq; Serjeant † Paul Foley Esq;
at law.

Uvedale Price Esq; * Charles Cornwall Esq;

HERTFORDSHIRE 6.

† Ralph Freeman Jun Esq

Thomas Halfey Esq;
St. Albans.

* William Grimstone Esq

John Gape Esq;
Hertford.

† Charles Cæsar Esq;

† Richard Gulfton Esq;

† Sir Tho. Seabright
Bart.

* William Hale Esq;

} Disputed.

HUNTINGDONSHIRE. 4.

* Sir Matthew Dudley Bar. * John Biggs Esq;

* Robert Piggot Esq;
Huntingdon.

* Right Hon. Edw. Ld.
Hinchingbroke.

* Hon. Sidney Wortley,
alias Montague, Esq;

KENT 10.

Sir Edw. Knatchbul Bart.

Percival Hart Esq;

Canterbury City.

† John Hardress Esq;

* Hon. Mildmay Fane Esq

* William Delaune Esq;

Henry

Henry Lee Esq; * Sir Thomas Hales Bar.

Rocheſter-City.

Sir John Leake Knt. * Sir John Jennings Knt.

William Cage Esq; * Sir Thomas Palmer Knt.

Maidſtone.

* Sir Rob. Marſham Bar.

Sir Samuel Ongley Knt. * Sir Tho. Colepepper Bar.

Queenborough.

† Thomas King Esq;

Charles Fotherby Esq; * Philip Jennings Esq;

LANCASHIRE 14.

† Ric. Shuttleworth Esq;

† John Bland Esq;

Preſton.

Rt. Hon. Edw. South- * Sir Hen. Houghton Bar.
well Esq;

† Henry Fleetwood Esq;

Lancaſter.

Robert Heyſham Esq; * Dodding Braddyl Esq;

* Will. Heyſham Esq;

Newton.

J. Ward Esq; one of the † Sir Francis Leiceſter
King's Counſel at Law. Bar.

Abrah. Blackmore Esq; † William Shippen Esq;

Wigan.

† Sir Roger Bradſhaigh
Bar.

George Kenyon Esq; * James E. of Barrimore.

Clithero.

Hon. Charles Stanley Esq; * Edw. Harvey

declared a void Elec- Esq;

tion, but no new writ
ordered.

Thomas Lyſter Esq;

* Tho. Parker

Leverpoole.

Esq;

* Sir Tho. Johnson Knt.

William Clayton Esq; * Edward Norris Esq;

*Double
return.*

LEICESTERSHIRE 4.

Sir Jeffery Palmer Bar.
 Sir Thomas Cave Bar.
 Leicester.

} No Return.

† Sir G. Beaumont Bar.
 † James Winstanley Esq;

LINCOLNSHIRE 12.

Rt. Hon. Peregrine Ld. * Sir John Brownlow Bar.
 Willoughby of Eresby;
 † Sir Willoughby Hickman Bar.

Lincoln-City.

Thomas Lister Esq;
 John Sibthorpe Esq;

* Sir John Tyrwhit Bar.
 * Richard Grantham Esq;

Boston.

† Richard Wynn Esq;
 † Henry Heron Esq;
 Great Grimsby.

Arthur Moore Esq;
 William Coatsworth Esq;
 Stamford.

* Robert Chapling Esq;
 * Joseph Banks Esq;

Hon. Charles Cecil Esq;
 Hon. Charles Bertie Esq;
 Grantham.

Sir John Thorold Bar.
 Sir John Brownlow Bar.

† Edward Rolt Esq;
 * John Heathcote Esq;

MIDDLESEX 8.

† Hon. James Bertie Esq;
 † Hugh Smithson Esq;
 Westminster-City.

† Sir Thomas Cross Bar.
 Thomas Medlicott Esq;

* Edward Wortley Montague Esq; Commissioner of the Treasury.

City of London.

Sir William Withers Knt.
 and Ald.

* Sir John Ward Knt.
 and Ald.

Sir Richard Hoare Knt.
 and Ald.

* Sir Thomas Scawen
 Knt. and Ald.

Sir

Sir John Cals Knt. and * Robert Heysham Esq;
Ald.
Sir George Newland Knt. * Peter Godfrey Esq;

MONMOUTHSHIRE 3.

Sir Charles Kemys Bar. * Thomas Lewis Esq;
* John Morgan Esq;
Monmouth.

Clayton Milborne Esq; * Coll. William Bray.

NORFOLK 12.

* Sir Jacob Astley Kt. and
Bar. Com. of trade.

Sir Edmund Bacon Bar. * Thomas De Grey Esq;
Norwich-City.

Robert Bene Esq; * Waller Bacon Esq; Com.
of the victualling.

Richard Berney Esq; * Robert Brightiffe Esq;
Lynn-Regis.

* Hon. Sir Charles Tur-
ner Knt. Commissioner
of the Admiralty.

* Rt. Hon. Robert Wal-
pole Esq; Paymaster of
the Forces.

Great Yarmouth.

Richard Ferrier Esq; * Horatio Townsend Esq;

† George England Esq;
Thetford.

Sir William Barker Bar. † John Ward Esq;

† Dudley North Esq;

Castlerising.

* Hon. William Fielding
Esq;

* Horatio Walpole jun. * Charles Churchill Esq;
Esq;

NORTHAMPTONSHIRE 9.

† Sir Justinian Isham Bar.

† Tho. Cartwright Esq;

U 2

Peterborough-

Peterborough-City.

* Hon. John Fitz-Wil-
liams Esq;† Charles Parker Esq;
Northampton.* Hon. George Montagu
Esq; Auditor of the
Exchequer.† William Wykes Esq;
Brackley.

John Burgh Esq;

Henry Watkins Esq;

Higham-Ferrers.

Hon. Charles Leigh Esq;

NORTHUMBERLAND 8.

† Right Hon. Algernon
Earl of Hertford.† Tho. Foster jun. Esq;
Newcastle upon Tyne.

† Sir Will. Blacket Bar.

† Will. Wrightson Esq;
Morpeth.

Sir John Germaine Bar.

Oley Douglass Esq;

Berwick upon Tweed.

Richard Hampden Esq;

William Ord Esq;

NOTTINGHAMSHIRE 8.

† Hon. Fr. Willoughby
Esq;† William Levinz Esq;
Nottingham.

Robert Sacheverel Esq;

Burlace Warren Esq;

* Col. Will. Egerton

* Rt. Hon. Paul Methuen
Esq; Com. of the Trea-
sury.* Right Hon. the Lord
Morpeth.* Right Hon. the Lord
Castlecomer.

* Grey Nevil Esq;

* Tho. Barrington Shute
Esq;

* John Plumtree Esq;

* William Gregory Esq;
East-

East-Retford.

† John Digby Esq;

Francis Lewis Esq;

Newark upon Trent.

† Hon. Ric. Sutton Esq;

Richard Newdigate Esq;

* Thomas White Esq;

* Hon. Conyers Darcy Esq;

OXON 9.

† Sir Rob. Jenkinson Bar.

† Francis Clarke Esq;

Oxford-University.

† Sir Will. Whitlocke

Knt. one of the King's

Counsel at Law.

† William Bromley Esq;

Oxon-City.

† Sir John Walter Bar.

Clerk Comptroller of

of the Green-cloth.

† Thomas Rowney Esq;

New Woodstock.

* Sir Tho. Wheate Bar.

* William Cadogan Esq;

Master of the Robes,

and Colonel of the se-

cond regiment of foot-

guards.

Banbury.

* Sir Jonath. Cope Kt.

RUTLANDSHIRE 2.

* Rt. Hon. Daniel Lord

Finch.

Rt. Hon. Bennet Lord

Sherrard, now Lord

Harborough.

* Hon. John Noel Esq;

SALOP 12.

The Rt. Hon. Henry Ld.

Newport.

John Kynafton Esq;

* Sir Robert Corbet Bar.

U 3

Salop-

Salop-Town.

Edward Cresset Esq;
 † Corbet Kynaston Esq;
 Bruges *alias* Bridgnorth.
 * Will. Whitmore Esq;
 * John Weaver Esq;
 Ludlow.

Acton Baldwin Esq;
 * Humph. Walcot Esq;
 Great Wenlock.

Hon. Rich Newport Esq;
 Sir Will. Forrester Knt.
 Bishops-Castle.

Sir Rob. Raymond Kt.
 * Rich. Harnage Esq;

SOMERSETSHIRE 18.

† Sir Will. Wyndham Bt.
 Thomas Horner Esq;
 Bristol-City.

* Joseph Earl Esq;

† Tho. Edwards Jun.
 Bath-City.

† Sam. Trotman }
 Esq; } *By the*
 † J. Coddington } *Mayor*
 Esq; }
 Wells-City.

Sir Thomas Worth Bart.
 † Maurice Berkeley Esq;
 Taunton.

† Sir Francis Warre Bart.
 † Henry Portman Esq;
 Bridgwater.

† Nathaniel Palmer Esq;
 John Rolle Esq;

Minehead.

Sir John Trevelyan Bart.

* Thomas Jones Esq;

* Francis Herbert Esq;

* Tho. Newport Esq;
 * William Forrester Esq;

* Charles Mason Esq;

† William Hellier Esq;

* Sir W. Daines }
 Knt. } *Double*
 † Philip Freke } *return.*
 Esq;

* — Mitchel }
 Esq; } *By the*
 * — Bramhall } *Freemen*
 Esq;

† Col. Tho. Horner

* Geo. Dodington Esq;
 Commissioner of the
 Admiralty.

* Samuel Edwin Esq;

Sir

Sir Jacob Banks Knt.

* James Milner Esq;

Ilchester.

Sir James Bateman Kt.

* Will. Bellamy Esq;

Edward Phelps Esq;

* John Hopkins Esq;

Milbourn-Port.

Sir Thomas Travel Kt.

† John Cox Esq;

* James Medlycott Esq;

SOUTHAMPTON.

Sir Anthony Sturt Kt.

* John Wallop Esq;

Thomas Lewis Esq;

* George Pitt Esq;

Winchester-City.

† George Bridges Esq;

* Lord Will. Paulett.

John Popham Esq;

Southampton-Town.

† Richard Fleming Esq;

Roger Harris Esq;

† Thomas Lewis Esq;

Portsmouth.

Hon. Sir James Wisheart

* Sir Edw. Ernley Kt.

Kt.

Sir Tho. Mackworth Bart.

* Sir Charles Wager Kt.

Yarmouth.

† Henry Holmes Esq;

Sir Gilbert Dolben Bart.

† Sir Rob. Raymond Kt.

Petersfield.

† Leonard Bilson Esq;

* Hon. Nort. Pawlett Esq;

Newport *alias* Medena.

Hon. John Webb Esq;

† Col. Morgan.

† William Stephens Esq;

Stockbridge.

Rt. Hon. James Earl of

* Martin Bladen Esq;

Barrimore.

* Tho. Broderick Esq;

Newton.

† James Worsley Esq;

Henry Worsley Esq;

† Sir Rob. Worsley Bart.

Christ-Church.

† Sir Peter Mew Bart.

† Will. Ettrick Esq;

U 4

Lymington.

Lymington.

* Rt. Hon. Ld. William
Paulet.

* Sir Joseph Jekyll Knt.
Chief Justice of Chester.

Whitchurch.

Frederick Tilney Esq;

† Thomas Vernon Esq;

Andover.

Gilbert Serle Esq;

* William Guidott Esq;

STAFFORDSHIRE 10.

Henry Vernon Esq;

Ralph Sneyd Esq;

Litchfield-City.

Richard Dyot Esq;

John Cotes Esq;

Stafford.

* Walter Chetwynd Esq;

Henry Vernon Jun. Esq;

Newcastle under Line.

† Rowland Cotton Esq;

William Burslem Esq;

Tamworth.

Joseph Girdler Esq; Ser-
jeant at law.

† Sam. Bracebridge Esq;

SUFFOLK 16.

† Sir Tho. Hanmer Bart.

Speaker.

† Sir Robert Davers Bart.

Ipswich.

Richard Richardson Esq;

Serjeant at law.

Orlando Bridgman Esq;

Dunwich.

Sir Robert Kemp Bart.

Sir Geo. Downing Bart.

Orford.

† Sir Edw. Turner Kt.

* Major Gen. Carpenter.

* John Wallop Esq;

* Rt. Hon. Lord Paget.

* John Ward Esq;

* Walter Chetwynd Esq;

* Samuel Hill Esq;

* Will. Chetwynd Esq;

† Henry Vernon Esq;

† William Ing Esq;

* Will. Churchill Esq;

* Will. Thompson Esq;
Recorder of Lond.

* Sir Robert Rich Bart.

* Col. Long.

† Clement

† Clement Corrance Esq;
Aldborough.

† Sir Hen. Johnston Knt.

† Will. Johnston Esq;

Sudbury.

* Sir Harvy Elwys Bart.

Hon. Rob. Echlin Esq;

Eye.

Thomas Maynard Esq;

* Edward Hopkins Esq;

St. Edmondsbury.

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* Aubrie Porter Esq;

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Sir Fulw. Skipwith Bart. * Sir Tho. Samwell Bart.

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Pontefract.

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- Sir Will. Hardres Bar.
- * Philip Papillion Esq;
- * Admiral Aylmer,

Port of Sandwich.

- * Sir Henry Oxenden Bar.
- John Mitchel Esq;
- * Thomas D'Aeth Esq;

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- John Boteler Esq;
- * Sir Samuel Lennard Bart. Groom of the Bed-Chamber to the Prince, &c.

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Bart.

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Burghs of	{	Elgin. Cullen. Bamff. Inverury. Kintore.	}	+ Hon. James Murray Esq;
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Burghs of	{	Aberdeen. Inverbervy. Montrose. Aberbrothock. Breechin.	}	John Middle- * Capt. James ton Esq; Areskine.
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Burghs of	{	Forfar. Perth. Dundee. Coupar. St. Andrews.	}	Geo. Yeaman * Pat. Hadden Esq; Esq;
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Burghs

Burghs of	{	Craill.	}	Sir John An-		* Col. Anstru-
		Kilreny.				
		Anstruther-				
		Easter.				
		Anstruther-				
		Wester.				
	}	Pittenweem.				

Burghs of	{	Dyfart.	}	James Oswald		* Col. Will.
		Kirkaldie.				
		Kinghorne.				
		Bruntisland.				
	}					Ker.

Burghs of	{	Innerkithen.	}	* Hen. Cunningham jun.
		Dumferline.		
		Queensberry.		
		Culrofs.		
		Stirling.		
	}			Esq;

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		Renfrew.		
		Rutherglen.		
		Dumbarton.		
	}			Esq;

Burghs of	{	Hadington.	}	* Sir David Dalrymple Bart.
		Dunbar.		
		North Berwick.		
		Lauder.		
		Jedburgh.		
	}			Lord Advocate for Scot-
				land.

Burghs of	{	Selkirk.	}	Sir J. Car-		* Hon. Col. G.
		Peebles.				
		Linlithgow.				
		Lanerk.				
	}			Michel.		Douglas.

Burghs of	{	Dumfries.	}	Sir Will. John-		* Alex. Fer-
		Sanquhar.				
		Annan.				
		Lockmaben.				
		Kirkudbright.				
	}			ftoun Bart.		guson Esq

Burghs of	{	Wigton.	}	Sir Alexander		* Col. Patrick		
		New Galloway.					Maxwell Bar.	Oans.
		Stranrawer.						
		Whitehorn.						

Burghs of	{	Air.	}	* Char. Oliphant Esq; M.D.
		Irvin.		
		Rothefay.		
		Campbletoun.		
		Inverary.		

Lords spiritual and temporal 218

Commons — — — 558

ON the 17th of *March*, the Parliament of *Great-Britain* met at *Westminster* according to the writs of summons ; and on *Monday*, the 21st of *March*, the King came to the house of Peers with the usual state and solemnity ; and the Commons being sent for up, and attending, presented the honourable *Spencer Compton*, Esq; for their Speaker, whom his Majesty approved. After this, his Majesty was graciously pleased to declare from the Throne, ' That he had ordered the Lord Chancellor to declare the causes of calling this Parliament, in his Majesty's name and words : ' And accordingly the Lord Chancellor read to both houses the following speech, delivered into his hands by his Majesty.

My Lords and Gentlemen,

THIS being the first opportunity that I have had of meeting my people in Parliament, since it pleased Almighty God, of his providence, to call me to the throne of my ancestors, I most gladly make use of it to thank my faithful and loving subjects, for that zeal and firmness that hath been shewn in defence of the *Protestant* succession, against all the open and secret practices that have been used to defeat it : And I shall never forget the obligations I have to those who have distinguished themselves upon this occasion.

The King's
speech to
both houses.

It were to be wished, that the unparalleled success of a war, which was so wisely and cheerfully supported by this nation, in order to procure a good peace, had been attended with a suitable conclusion : But it is with concern I must tell you, that some conditions even of this peace, essential to the security and trade of *Great-Britain*, are not yet duly executed ; and the performance of the whole may be looked upon as precarious, until

we shall have formed defensive alliances to guaranty the present treaties.

The *Pretender*, who still resides in *Lorrain*, threatens to disturb us, and boasts of the assistance which he still expects here to repair his former disappointments.

A great part of our trade is rendered impracticable ; this, if not retrieved, must destroy our manufactures, and ruin our navigation.

The public debts are very great, and surprisingly increased, even since the fatal cessation of arms. My first care was to prevent a further increase of those debts, by paying off forthwith a great number of ships which had been kept in pay, when there was no occasion for continuing such an expence.

Gentlemen of the house of Commons,

I rely upon you for such supplies as the present circumstances of our affairs require for this year's service, and for the support of the public faith. The estimates shall be laid before you, that you may consider of them ; and what you shall judge necessary for your safety, I shall think sufficient for mine.

I doubt not but you will concur with me in opinion, that nothing can contribute more to the support of the credit of the nation, than a strict observance of all parliamentary engagements.

The branches of the revenue, formerly granted for the support of the civil Government, are so far encumbered and alienated, that the produce of the funds which remain, and have been granted to me, will fall much short of what was at first designed for maintaining the honour and dignity of the crown : And since it is my happiness (as I am confident you think it yours) to see the Prince of *Wales*, who may, in due time, succeed me on the Throne,

Throne, and to see him blessed with many children, the best and most valuable pledges of our care and concern for your prosperity ; this must occasion an expence to which the nation has not of many years been accustomed ; but such as surely no man will grudge : And therefore I do not doubt but you will think of it with that affection which I have reason to hope from you.

My Lords and Gentlemen,

The eyes of all *Europe* are upon you, waiting the issue of this first session. Let no unhappy divisions of parties here at home, divert you from pursuing the common interest of your country. Let no wicked insinuations disquiet the minds of my subjects. The established constitution in church and state shall be the rule of my government ; the happiness, ease, and prosperity of my people, shall be the chief care of my life. Those who assist me in carrying on these measures, I shall always esteem my best friends ; and I doubt not but that I shall be able, with your assistance, to disappoint the designs of those who would deprive me of that blessing, which I most value, *the affection of my people.*

After which the house of Lords resolved to present an address of thanks to his Majesty. The next day the Committee appointed to draw it up, reported the same to the house as follows :

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the Lords spiritual and temporal in Parliament assembled, beg leave to present to your Majesty our most humble and hearty thanks for your Majesty's most gracious speech to your houses of Parliament, and to assure your Majesty, that altho' we meet together with hearts deeply sensible

The Lords
address of
thanks to
the King.

sible of the goodness of divine providence to us, in bringing your Majesty with safety, and at so critical a juncture, to the Throne of your ancestors; yet we could not but become still more affected with that inestimable blessing, when we heard so very affectionate expressions from your Majesty towards your people; so clear and full assurances from a Prince of such known honour and justice, that the established constitution in church and state shall be the rule of your government; and so just and tender a concern for our not having obtained those advantages by the peace (which would have been but a suitable conclusion to so glorious and successful a war) nor as yet a due execution of some conditions even of that peace, essential to the security and trade of this kingdom.

We are affected with wonder, as well as with a just resentment, that a Pretender to your Majesty's crown should be yet permitted to reside so near your dominions, especially after his public boasting of an assistance he expects here, and his avowing a design to invade this your Majesty's kingdom.

We are but too sensible, that our trade is rendered impracticable in the most valuable branches of it, and of the ill effects that must have upon our manufactures and navigation: But your Majesty may be assured, nothing shall be wanting on our part, that may any way conduce to the retrieving it.

These and other difficulties your Majesty hath met with on your accession to the crown, (and which we must observe, in justice to your wisdom and foresight, would have been prevented, had your opinion been followed) we must confess are very great and discouraging; however we do not doubt, but that your Majesty, assisted by this Parliament,

liament, zealous for your government, and the safety and honour of their country, may be able to take such further measures, as will secure what is due to us by treaties, ease our debts, preserve the public credit, restore our trade, extinguish the very hopes of the Pretender, and recover the reputation of this kingdom in foreign parts; the loss of which, we hope to convince the world by our actions, is by no means to be imputed to the nation in general.

And these good ends cannot fail of being obtained by your Majesty's pursuing with steadiness, as you have begun, the true interest of this your obedient and affectionate people: And your Majesty may, by God's blessing, depend, that in conjunction with so loyal a Parliament, you will be able to lay foundations that can never be moved, not only of the security and glory, but even of the ease and tranquillity of your government, and that of your Majesty's posterity; for which we offer up our most ardent prayers, that it may for ever continue to reign after your Majesty on the Throne of these kingdoms, and in the hearts of a people truly happy, and fully sensible of their being so.

After the reading of this address there arose a great debate in the house, chiefly about these expressions, *And recover the reputation of this kingdom in foreign parts; the loss of which, we hope to convince the world by our actions, is by no means to be imputed to the nation in general.* The Lord Trevor, the Lord Viscount Bolingbroke, the Earl of Strafford, the Dukes of Buckingham and Shrewsbury, the Earl of Anglesey, the Archbishop of York, the Bishops of London and Bristol, and some other Peers, excepted against that clause, alledging, among other things, ' That the same was injurious to the late Queen's memory, and even clashing with that part of his Majesty's speech, which recommended to both houses,

‘ houses, the avoiding *the unhappy division of parties.*’ The Lord *Bolingbroke*, in particular, made a long speech, wherein he expressed the heartiest and deepest concern for the memory of the late Queen, his most excellent mistress, which, he said, *he would do all in his power to vindicate : That he had the honour to be one of her servants, and if he had done any thing amiss, he would be contented to be punished for it ; but that he thought it very hard to be censured and condemned without being heard.* His Lordship took this occasion to say a great deal in praise of the King: *That his Majesty had several times expressed a great respect and tenderness for the late Queen’s memory, and was a Prince of so great wisdom, equity, and Justice, that he was sure, his Majesty would not condemn any man, without hearing what he had to say for himself ; that so august an assembly ought to imitate so great a pattern ; and upon these, and other reasons, his Lordship moved, that the words recover, &c. might be softened into those of maintain the reputation of this kingdom ; and that the rest of the paragraph might be left out.* The Earl of *Strafford*, also excepted against that clause, amongst other arguments, *because the same would expose the honour of the nation abroad, which he was sure, had suffered no diminution during his negotiations.* The Duke of *Shrewsbury* said, in particular, *That the house of Peers ought, on all occasions to be most tender of the honour and dignity of the crown, from which they derive their own honour and lustre ; that therefore, when the like clause was inserted in an address of the house of Commons to the late Queen, upon the death of King William, he had expressed to several members of that house his dislike of it, because it reflected on the memory of that Prince ; and, for the same reason, he was against the said clause.* These, and other arguments urged on that side, were answered, by the Marquis of *Wharton*, the Lord Chancellor, the Earl of *Nottingham*, and his brother the

the Earl of *Alyesford*, the Duke of *Devonshire*, and some other Peers, who expressed all due respect and reverence for the late Queen's memory; rightly distinguished between *her* and *her Ministry*; and maintained the clause in question by arguments drawn from the mismanagements of the latter, hinted at in his Majesty's speech. The Lord Chancellor in particular, confuted the objections raised by the Lord *Bolingbroke*, and, among other things, said, 'They did not condemn any particular person, but only the peace in general, because they felt the ill consequences of it; that they who advised and made such a peace, deserved, indeed, to be censured, but that the words in the address being general, no private person was affected by them. And that the alteration of the word *recover* into that of *maintain*, would signify no more towards the *justification* of the *guilty*, than the word *recover*, towards the *condemnation* of the *innocent*.' Upon the whole matter, the question being put whether the address should be recommitted or no. The negative carried it by a majority of sixty-six voices against thirty-three.

The address
approved by
the house.

The next day, the house of Lords, in a body, presented their address to the King, who returned the following answer:

My Lords,

I Thank you heartily for this address: Your duty and loyalty to me can never be better expressed, than by shewing a just concern for the reputation and interest of the nation, since I have no other thought or view, but to promote the prosperity and happiness of my people.

The king's
answer to
the Lords
address.

Before the Lords waited on the King with their address, they adjourned themselves to the *Monday*; following;

The house
of Peers ad-
journed.

following; then again to *Wednesday* the 30th of *March*; and then again to the 1st of *April*. Let us now attend the proceedings of the Commons.

Proceedings
of the Com-
mons.

On the 21st of *March*, Mr. Speaker alone, and then the other members, took the oaths, and made and subscribed the declaration, and took and subscribed the oath of abjuration, according to the laws made for those purposes: As did other members the 22d, 23d, and following days.

Bill to pre-
vent steal-
ing and un-
lawful kil-
ling of
cattle.

On the 23d, *A bill for the more effectual preventing and punishing the stealing and unlawful killing of cattle*, was read the first time, and ordered a second reading: After which, Mr. Speaker having reported to the house his Majesty's speech, *Robert Walpole*, Esq; stood up, and made a very eloquent speech, in which he set forth in lively colours, the great happiness of these nations by his Majesty's seasonable accession to the crown; ran through the mismanagements of the four last preceding years; and concluded with a motion for an address of thanks to the King, conformable to the several heads of his Majesty's speech. He was seconded by the Lord *Hinchinbroke*; and none but Sir *William Whitlocke* having raised an objection against Mr. *Walpole's* motion, it was *resolved*,

Mr. *Walpole*
moves an
address of
thanks.

Resolution
for it.

‘ That an humble address be presented to his Majesty, to express our just sense of the divine providence, in placing his Majesty on the throne of his ancestors: To return his Majesty the thanks of this house for his most gracious speech from the throne; for his assurances that the established constitution in church and state shall be the rule of his government; and for his goodness expressed to those who distinguished themselves by their zeal and firmness for the *protestant* succession: To express our concern, that any conditions of the late peace essential to the security and trade of *Great-Britain*, are not yet duly executed: That such alliances have not been formed, as are necessary

‘fary to render the peace durable: That our manufactures and navigation are in such hazard by the difficulties brought upon our commerce: And that the public debts are greatly increased even since the cessation of arms: To declare our highest resentment against the presumptuous declaration of the *Pretender*, and the encouragement he boasts to have received from hence: And to assure his Majesty, that we will demonstrate our just sense of the great blessings derived to these nations in the person of the Prince of *Wales* and his issue, by enabling his Majesty to support the dignity of the crown, and to make an honourable provision for the royal family: And that we will likewise grant such supplies as shall be necessary for the service of the year, and for maintaining parliamentary credit: And will support his Majesty in such alliances as he shall judge necessary to make for preserving the peace of *Europe*.’

This vote being passed, a Committee was appointed to draw up the said address, of which Mr. *Walpole* was chosen Chairman: And then, according to custom, the house appointed the *five grand Committees* for religion, grievances, courts of justice, trade, privileges and elections; passed several resolutions about elections; and made the usual regulations relating to the sitting of the house.

Then Mr. *Walpole* reported from the Committee before-mentioned, the address of thanks to be presented to his Majesty, as follows:

Most gracious Sovereign,

YOUR Majesty's most dutiful and loyal subjects, the Commons of *Great-Britain* in Parliament assembled, return your Majesty their unfeigned thanks for your most gracious speech from the throne.

It is with inexpressible joy, that we approach your Majesty, peaceably seated upon the throne of your royal ancestors; and being thoroughly sensible

Address of
thanks to
the King.

sible of the many open and secret practices that have of late years been used to defeat the *protestant* succession, we cannot sufficiently adore the divine providence, that so seasonably interposed, and saved this nation, by your Majesty's happy accession to the crown.

Your faithful Commons receive, with the highest gratitude, your most gracious assurances, that the established constitution in church and state shall be the rule of your government; and the safety, ease, and prosperity of your people, the chief care of your life. We are sensible of your goodness expressed to those who have distinguished themselves by their zeal and firmness for the *protestant* succession: And as we doubt not but the wisdom and steadiness of your government, will unite the hearts of all your faithful subjects in duty and affection to your sacred person, so we most humbly beg leave to assure your Majesty, that we not only highly resent the wicked insinuations used to disquiet the minds of your subjects, but are resolved, to the utmost of our power, to suppress and extinguish that evil disposition that is still at work to deprive your Majesty of the affections of your people.

We are sensibly touched not only with the disappointment, but with the reproach brought upon the nation by the unsuitable conclusion of a war, which was carried on at so vast an expence, and was attended with such unparalleled successes: But as that dishonour cannot in justice be imputed to the whole nation, so we firmly hope and believe, that through your Majesty's great wisdom, and the faithful endeavours of your Commons, the reputation of these your kingdoms will in due time be vindicated and restored.

We are under astonishment to find, that any conditions of the late peace, essential to the security and trade of *Great-Britain*, should not yet

be

be duly executed; and that care was not taken to form such alliances, as might have rendered that peace not precarious. And as no care shall be wanting in your loyal Commons to inquire into these fatal miscarriages, so we entirely rely on your Majesty's wisdom to enter into such alliances as you shall judge necessary to preserve the peace of *Europe*; and we faithfully promise to enable your Majesty to make good all such engagements.

It is with just resentment we observe, that the *Pretender* still resides in *Lorrain*, and that he has the presumption, by declarations from thence, to stir up your Majesty's subjects to rebellion: But that which raises the utmost indignation of your Commons is, that it appears therein, that his hopes were built upon the measures that had been taken for some time past in *Great-Britain*. It shall be our business to trace out those measures whereon he placed his hopes, and to bring the authors of them to condign punishment.

Your Commons are under the deepest concern, that a great part of our trade is rendered impracticable, which, if not retrieved, must destroy our manufactures, and ruin our navigation: But though we are too sensible of those fatal consequences, we are not yet without hopes, that your Majesty's great wisdom, by the assistance of your Commons, may find means to extricate your people from their present difficulties.

The blessings derived to these nations from your Majesty's auspicious reign, are not confined to the present times; we have a prospect of future and lasting happiness entailed upon your people by a long succession of your royal progeny. And as this is a blessing which these kingdoms have a long time wanted, so they could never hope to have seen it so well supplied, as in the person of his royal Highness the Prince of *Wales*, and his issue. Your faithful Commons shall therefore think it

their duty to enable your Majesty to support the dignity of the crown, and to make an honourable provision for the royal family.

The surprizing increase of the public debts, even since all thoughts of carrying on the war, were laid aside, shall not discourage us from granting such supplies as shall be necessary for the service of this year, and for the support of public faith: And we do entirely concur with your Majesty in opinion, that nothing can contribute more towards preserving the credit of the nation, than a strict observance of all parliamentary engagements, which we are firmly resolved upon all occasions inviolably to maintain.

Great debate
thereupon.

Upon the reading of this address there arose a warm debate in the house: Mr. *Skippen*, Mr. *Bromley*, Sir *William Wyndham*, General *Ross*, Mr. *Cesar*, Mr. *Ward*, Sir *Robert Raymond*, Sir *William Whitlocke*, Mr. *Hungerford*, and some others, raised several objections against divers expressions in the address: But were solidly answered by Mr. *Robert Walpole*, General *Stanhope*, Sir *Gilbert Heathcote*, and Mr. *Pulney*. General *Ross*, among the rest, insisted much upon the *threadbare* topic, 'That the condemning the peace, and censuring the late ministry, was a reflection on the late Queen, whose act and deed the peace was; and that he was sure the reflecting on the late Queen could not be agreeable to his present Majesty.' He was answered by Mr. *Walpole*, and Mr. *Stanhope*, 'That nothing was farther from their intentions than to asperse the late Queen: That they rather designed to vindicate her memory, by exposing and punishing those evil counsellors, who deluded her into pernicious measures; whereas the opposite party endeavoured to screen and justify those counsellors, by throwing on that good, pious, and well-meaning Princess, all the blame and odium

‘ of their evil counsels.’ As to what was alledged, that the censuring the late Ministers, without hearing them, and condemning the peace, without examining into particulars, was unjust and unprecedented, it was answered, ‘ That they must distinguish between censuring Ministers, and condemning the peace in general, and condemning particular persons. That they might, in equity and justice, do the first, because the whole nation is already sensible that their honour and true interest were given up by the late peace. That, in due time, they would call them to an account who made and advised such a peace ; but, God forbid they should ever condemn any person unheard.’ On this occasion Mr. *Stanhope* took notice of a report industriously spread abroad, ‘ That the present Ministers never designed to call the late managers to an account, but only to censure them in general terms : But he assured the house, that notwithstanding all the endeavours had been used to prevent a discovery of the late mismanagements, by conveying away several papers from the Secretaries offices, yet the government had sufficient evidence left, to prove the late Ministry the most corrupt that ever sat at the helm. That those matters would soon be laid before the house ; and that it would appear, that a certain *English* General had acted in concert with, if not received orders from, *Mareschal de Villars*.’

Sir *William Wyndham* endeavoured to prove, that the peace had been very beneficial to this kingdom ; and offered to produce a list of goods by which it appeared, that the customs had increased near 100,000*l. per annum*. But he was immediately taken up by Sir *Gilbert Heathcote*, who readily owned Sir *William*, might, indeed, produce a list of vast imports from *France*, but desired him to shew that our exports thither, particularly of our woollen manufactures, had increased since the peace. He

added, that *imports* being only our *consumption*, rather prove our *loss* than our *gain*; and that the nation gets only by *exports*, which keep up our manufactures, employ our poor, and bring in returns in money: upon which Sir *William Wyndham* was silenced. Nor fared it better with Sir *William Whitlocke*, who having suggested, that the *Whigs* designed to involve the nation in a new war, and lay six shillings in the pound, was assured by Mr. *Walpole*, that none in the present Ministry, were for a war, if the same could any ways be avoided; and that he doubted not, but two shillings in the pound would be sufficient towards this year's service.

The address
of thanks
carried.

After these, and some other speeches, a motion being made, and the question put, that the address of thanks be recommitted, it passed in the negative, by a majority of 244 voices against 138; and then it was resolved that the house do agree with the Committee in the said address; and ordered that the members of the house, who are of his Majesty's most honourable Privy Council, should know his Majesty's pleasure, when he would be attended by the house. The King having appointed the next day, the Commons, with their Speaker, attended his Majesty accordingly at *St. James's* with their address, to which his Majesty returned this most gracious answer.

Gentlemen,

I Thank you for the many kind assurances you have given me, in your dutiful and loyal address.

No endeavours shall be wanting on my part to promote your true interest, and endear myself to all my people: And I will depend on your zeal and affection to defeat all evil designs, that may tend to disquiet the minds of my people, and disturb the tranquillity of my government.

The

The Speaker having on the 26th of *March* reported his Majesty's answer, it was resolved, ' to present an humble address to his Majesty, to return the most humble thanks of this house, for his most gracious answer to their address.'

Upon a motion made, *That the house would appoint a day to take into consideration his Majesty's proclamation of the 15th of January last, for calling a new Parliament;* the same was read accordingly on *Tuesday* the 5th of *April*. Sir *William Whitlocke*, member of Parliament for the university of *Oxford*, having made some exceptions to the said proclamation as *unprecedented* and *unwarrantable*, he was called upon by some members of the court party to explain himself; upon which he made a kind of excuse for what he had said. The thing would have been dropped, had not Sir *William Wyndham* took up the cudgels, and even carried the matter farther; by advancing that the said proclamation was not only *unprecedented* and *unwarrantable*, but even of *dangerous consequence to the very being of Parliaments*. The courtiers could not but take notice of so home a reflection, and therefore called upon Sir *William Wyndham* to justify his charge: But Sir *William*, who rightly judged, he could not descend to particulars without giving farther offence, and sinking deeper in the mire, declined explaining himself; though at the same time, he resolutely maintained his first assertion, saying, ' That as he thought some expressions in the said proclamation of dangerous consequence, so he believed every member was free to speak his thoughts.' *He was answered,* * ' No doubt but every member has that liberty, freedom of speech being one of the essential privileges of that house; but that the house has, at the same time, both the liberty and power to censure and punish such members as transgress the rules of decency, trespass upon the respect due to the crown; and so abuse the privilege of the house

* It was said
by the Lord
Finch.

‘ within doors, as to render it contemptible without.’ Sir *William* being again called upon to explain himself, and still persisting in his refusal, some members cried the *Tower*, the *Tower*; but *Robert Walpole*, Esq; warded off the blow. ‘ Mr. *Speaker*, said he, (or words to the same effect) I am not for gratifying the desire which the member who occasions this great debate, shews, of being sent to the *Tower*: It would make him too considerable. But as he is a young man of good parts, who sets up for a warm champion of the late Ministry, and one, who was in all their secrets, I would have him be in the house, when we come to enquire into the conduct of his friends; both that he may have an opportunity to defend them, and be a witness of the fairness with which we shall proceed against those Gentlemen; and that it may not be said, that we take any advantage against them.’ After several other speeches, which prolonged this debate from one till half an hour past five in the afternoon, a motion was made, and the question put, *that the house do now adjourn?* Which being carried in the negative by a majority of 212 voices against 134, a motion was made and the question proposed, *That Sir William Wyndham having reflected upon his Majesty’s proclamation of the 15th of January last for calling a new Parliament, and having refused to justify his charge, although often called upon so to do, is guilty of a great indignity to his Majesty, and of a breach of the privilege of this house.* This motion occasioned a fresh debate, that lasted till seven of the clock: The courtiers still insisting that Sir *William Wyndham* should justify his charge, and Sir *William* as obstinately declining to do it, saying, *he was ready to undergo whatever a majority would inflict upon him.* At last the question being put that Sir *William Wyndham* should withdraw, the same was carried in the affirmative by 208 voices against 129: Whereupon Sir *William* withdrew

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drew accordingly; and with him, to a man, all the 129 members who had been for the negative. Their antagonists being thus entire masters of the field, the question was put, and unanimously resolved, 'That Sir *William Wyndbam*, having reflected on his Majesty's proclamation of the 15th of January last for calling a new Parliament, and having refused to justify his charge, although often called upon so to do, is guilty of a great indignity to his Majesty, and of a breach of the privilege of this house.' After which it was ordered, 'That Sir *William Wyndbam* be (for the said offence) reprimanded, in his place, by Mr. *Speaker*. And that Sir *William Wyndbam* do attend this house in his place to-morrow morning.'

Censure passed upon Sir *William Wyndbam*.

Sir *William Wyndbam* attending the next day, in his place, Mr. *Speaker* addressed himself to him in this manner.

Sir *William Wyndbam*,

I AM to acquaint you that the house has come to this resolution, that you be reprimanded in your place by me,

The *Speaker's* reprimand to Sir *William Wyndbam*.

You have presumed to reflect on his Majesty's proclamation, and made an unwarrantable use of the freedom of speech granted by his Majesty.

This house has made their moderation appear, and shewn their lenity, by laying the mildest censure your offence was capable of; I am ordered to reprimand you, and do reprimand you accordingly.

S I R,

I Return you my thanks for what you have done by the duty of your office, in so candid and Gentleman-like a manner: As I am a member of this house, I very well know I must acquiesce in the determination of this house.

Sir *William Wyndbam's* answer.

But I am not conscious of any indignity to his Majesty, or any breach of the privilege of this house; and therefore I have no thanks to give those Gentlemen, who, under pretence of lenity, have brought this censure upon me.

On the 9th of *April*, Mr. Secretary *Stanhope* presented to the house, pursuant to their address to his Majesty for that purpose, all the powers, instructions, memorials, letters, and papers, relating to the late negotiation of peace and commerce, and to the cessation of arms, which he delivered in at the table in twelve volumes, bound up and numbered, and three other small books. He took this occasion to tell the house, ‘ That nothing had been omitted ‘ that might either answer the desire they had expressed of being thoroughly informed of what had ‘ passed in those important negociations; or satisfy ‘ the whole world, the present Ministry acted ‘ with the utmost fairness and candour, and designed to take no manner of advantage over the late ‘ managers, in the intended inquiries; that, indeed, ‘ the papers now laid before the house were only ‘ copies, but that the originals would be produced ‘ if occasion required: Concluding, that those papers being too many, and too voluminous to be ‘ perused and examined by all the members of the ‘ house, he thought it more convenient, and therefore moved, that the said books and papers be ‘ referred to a select Committee of twenty persons, ‘ who should digest the substance of them under ‘ proper heads, and report the same, with their observations on them to the house.’ No body opposed Mr. *Stanhope*’s motion: Mr. *Hungerford* only, excepted against the number of *twenty*, and moved that one more might be added; which being readily agreed to, it was resolved, *Ist*, That the books and papers before-mentioned be referred to a Committee,

Committee. II^{dly}, That the said Committee be a COMMITTEE of SECRECY. III^{dly}, That the number of the said Committee be one and twenty. IV^{thly}, That the said Committee be chosen by way of balloting. V^{thly}, That the members of the house should on the *Monday* following, at twelve of the clock, prepare lists to be put into glasses of one and twenty persons names to be the said Committee: And ordered, that the said books do remain with the clerk of this house, sealed as they were then, until the said Committee were chosen.

On *Monday* the 11th of *April*, the members in *Westminster-Hall* and court of requests having been summoned, by the Serjeant at arms, to attend the service of the house, the clerk and clerk assistant went on each side of the house with glasses, to receive from the members the lists of persons names to be the *Committee of secrecy*; and the same being received, and brought up to the table, a Committee was appointed and ordered to withdraw immediately into the *Speaker's* chamber; and that they should report to the house, upon which one and twenty persons the majority fell. Two days after, Mr. *Bladen* reported from that Committee, that the majority had fallen upon the one and twenty persons following, *viz.*

Sir Richard Onslow, Bar.	Thomas Vernon, Esq; of	List of the Committee of secrecy.
Robert Walpole, Esq;	Worcestershire.	
Spencer Cowper, Esq;	Algernoon Earl of Hert-	
James Stanhope, Esq;	ford.	
Hugh Boscawen, Esq;	Edward Wortley Monta-	
William Pultney, Esq;	gue, Esq;	
Nicholas Lechmere, Esq;	Sir Edward Dalrymple,	
Daniel Lord Finch,	Bart.	
John Aislaby, Esq;	George Baillie, Esq;	

Sir

Sir Joseph Jekyll, Alexander Denton, Esq;
 Thomas Earl, Esq; Thomas Pitt, Sen. Esq;
 Richard Hampden, Esq; Thomas Lord Coningsby.
 Sir Robert Marsham, Bar.

The Committee met that evening, and chose Robert Walpole, Esq; for their Chairman, and for dispatch sake, subdivided themselves into three Committees, to each of which a certain number of books and papers were allotted.

On the 13th of May, Mr. Lowndes presented to the house an abstract of the produce of the revenue of his royal Highness James Duke of York, for the year 1678. But Mr. Secretary Stanhope reported, that upon their address of the day before, his Majesty had given directions to the several Officers to inquire after the establishment for his royal Highness Prince Henry, eldest son of King James the first, or any subsequent establishment for any Prince of Wales; but that none other could be found, but an old book intitled, *Anno nono Regis Jacobi, A book of diet, wages, &c. of the Prince's house*: Which was ordered to lie on the table. Then the house resolved itself into a grand Committee, to consider farther of the supply; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Farrer reported from the said Committee, that they found it necessary, that the several accounts, and other papers relating to the matter of the civil list, which had been presented to the house, should be referred to the said Committee: Which was ordered accordingly; and then the house resolved it self again into the said Committee. After the reading of some of the papers that lay before them, the courtiers offered the following question, viz. *That it appears to this Committee that the sum of 700,000 l. per annum was settled upon his late Majesty King William, during his life, for the support of his Majesty's household,*

household, and other his necessary occasions, and at the time of his Majesty's demise, (after the deduction of 3700*l.* per week that was applied to the public uses) was the produce of the civil list revenues that were continued and settled upon her late Majesty Queen Anne, during her life: Which question occasioned a warm and long debate. They who proposed it had two things principally in view; first to vindicate the present Ministry from the aspersion cast upon them, and industriously spread about, by the emissaries of the late managers, that the *Whigs* designed to give the King a larger revenue than his Majesty's predecessors had enjoyed; and in the second place to make good the branches of the revenue assigned for the support of the civil list, which had been alienated or abridged, so that the whole neat produce might amount to the sum of 700,000*l.* per annum. The leading men among the *Tories* being sensible of the first; and at least pretending to be ignorant of the consequence of this preliminary question, insisted a long while, 'That it was ensnaring, that what had been done by former Parliaments ought not to be a rule for the subsequent; that supposing the Parliament had given King William a revenue of 700,000*l.* per annum, for the civil list, that they ought to consider that he was to pay out of it 50,000*l.* per annum, to the late Queen, then Princess of Denmark, 15 or 20,000*l.* per annum for the late Duke of Gloucester, and 40,000*l.* for the dowry of King James's Queen: That after the late Queen's accession to the throne, the Parliament taking notice that the produce of the civil list revenues exceeded what they had been given for, the sum of 3700*l.* per week (that is 192,400*l.* per annum) was taken out of them, and applied to other uses; notwithstanding which deduction, the late Queen had honourably maintained her family, and supported the dignity of the crown. However, if the

' the present revenue of the civil list, were not sufficient, they were ready to consent to an addition.' The courtiers answered, *That the question before them was founded upon facts, which, if denied, they were ready to prove by the records of the house:* But Sir William Wyndham urging that the question was ensnaring, Mr. Secretary Stanhope answered, ' That he would be very plain with them, and own, that as it was notorious that great endeavours had been used to alienate the affections of the people from the King and his government, by false suggestions, that they designed to plunge the nation into extraordinary expences, they thought it highly necessary to clear his Majesty and his Ministers from that malicious aspersions.' To this the Lord Guernsey replied, *That the disaffection of the people, if any, did not proceed from his Majesty, but from the hardships his Ministers put upon the Tory party:* To which it was returned, ' That as soon as it should be made known to the world, how the late Ministry had used not only the *Whigs*, but the whole nation, nothing that could be done against them, would be then thought a hardship; but however, that neither that noble member, nor any of his family, had reason to complain of hardships.' After some other speeches which prolonged the debate from two till five in the afternoon, the *Tories* endeavoured to drop the question, by moving that the Speaker should resume the chair: But the question being put upon this question, it was carried in the negative by a majority of 244 voices against 148. After which the first question was put, and carried in the affirmative by about the same majority. Then the victorious party moved, ' That to enable his Majesty to support the dignity of the crown, and to make an honourable provision for the royal family, there be granted to his Majesty during his life, (which God long preserve) an additional revenue

venue, which, together with the neat produce of the civil list branches, may make up the clear yearly sum of seven hundred thousand pounds for the service of his Majesty's household and family, and for other his necessary expences and occasions.' The question being put upon this motion, occasioned another great debate. Sir *Thomas Hanmer*, Mr. *Bromley*, Sir *William Wyndham*, Mr. *Cæsar*, Mr. *Hungerford*, and some other leading members among the *Tories*, who, on this occasion were strengthened and backed by some eminent *Whigs*, did not at first directly oppose the question, but insinuated, that before they came to that resolution, it would be proper that a particular account of the King's expences should be laid before the house. Mr. *Walpole*, Mr. *Stanhope*, Mr. *Leckmere*, and some other courtiers, who, on this occasion, were joined by some of the *opposite party*, having exploded that proposal, as altogether inconsistent with the King's honour, to have all the private expences of his family and household looked into, as if he had need of a guardian: The *Tories* then moved that the sum of 600,000 *l. per annum* be given to his Majesty, and 100,000 *l. per annum* settled on the Prince of *Wales*. The court perceiving the proposal of giving the Prince of *Wales* a separate revenue, was only a design to divide the royal family, by lessening the dependance of the next heir apparent on his Majesty, opposed it with great warmth, and the question being put upon that motion, it was carried in the negative by a great majority. The *Tories* having lost these two points, some of that party more openly opposed the main question: Among the rest, Sir *William Wyndham* said, *He had the honour to serve her late Majesty, and had the opportunity to look both into her revenue and expences, and he could assure the house, that about 500,000 l. per annum were sufficient for the support of her family and civil list:*

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Though she reserved about 50,000 l. per annum for the late King James's consort. The courtiers were glad of this last confession; and Mr. *Stanhope* desired the Committee to take notice what that Gentleman had advanced, because it would serve to confirm some matters which the Committee of secrecy had found in the papers that were laid before them. A *Whig* member, who at this time spoke on the *Tory* side, made some reflections on the present unthrifty administration of his Majesty's revenue; and in particular took notice of the salaries of the Judges being advanced, *not*, said he, *for services done, but expected.* Upon the whole matter, the question being put upon the motion before-mentioned (about seven o'clock in the evening) the same was carried in the affirmative without dividing.

On the 9th of *June*, Mr. *Walpole*, from the Committee of secrecy, acquainted the house, ' That he had
' a report to present (according to their order) but
' that he had the commands of the Committee to
' make a motion to the house before he read the
' report; that there are in the report matters of the
' highest importance; that although the Com-
' mittee had power to send for persons, papers,
' and records, they did not think fit to make use
' thereof, believing it to be necessary, in order to
' bring offenders to justice, that some persons
' should be secured before it is possible they should
' know what they are to be examined to, and lest
' they should have notice from what should be read
' in the report, to make their escape: He was
' commanded by the Committee (according to the
' former precedents) to move, that a warrant may
' be issued by Mr. *Speaker* to apprehend several per-
' sons who shall be named to him by the Chair-
' man of the said Committee; and that no mem-
' bers may be permitted to go out of the house.'
Hereupon it was ordered, *first*, ' That the lobby
' be

be cleared of all strangers, and the back-doors of the Speaker's chamber locked up, and the key brought and laid upon the table; and that the Serjeant do stand at the door of the house, and suffer no member to go forth. *Secondly*, That Mr. *Speaker* do issue his warrant to the Serjeant at arms attending this house, to take into his custody such persons as shall be named to Mr. *Speaker* by the Chairman of the Committee of secrecy, in order to their being examined before the said Committee.'

Hereupon Mr. *Speaker* issued out his warrants to the Serjeant at arms, to take into his custody several persons that were named to him by Mr. *Walpole*, particularly Mr. *Matthew Prior*, and Mr. *Thomas Harley*, the first of whom was immediately apprehended, and the other some hours after.

Upon the motion of the Chairman of the secret Committee warrants are issued to apprehend several persons.

This done, Mr. *Walpole* acquainted the house, That the *Committee of secrecy* has perused the books and papers referred to them, and had agreed upon a report, which they had commanded him to make: That it was contained in two books, one of which was the report, and the other was by way of appendix to it, and contained at large those letters and papers which were referred to in the report.' And he read the *report* in his place, and afterwards delivered the same in at the table, together with the *appendix*, and the books which were referred to the said Committee. The reading

The report of the Committee of secrecy read.

of the said report having lasted about five hours, viz. from one till about six in the afternoon, a motion was made by the friends of the *late ministry* and the question put, that the further consideration of the report be adjourned till the next morning, but the same being carried in the negative, by a majority of 282 votes, to 171; it was ordered that the *report be now read*: And the clerk of the house having read part of it, till half an hour past eight,

the

the further consideration of it was *adjourned* till the next morning; as was the call of the house to *Monday* seven-night, the 20th of *June*.

Debate about adjourning the consideration of the report.

On *Friday* the 10th of *June*, the Commons resumed the adjourned consideration of the report from the Committee of secrecy, and the rest of the report being read, (which lasted till about four o'clock in the afternoon) Sir *Thomas Hanmer* moved, that the consideration of the said report, be adjourned until *Monday* next following seven-night; and was seconded by the leading men among the *Tories*, who moved also, that the said report be printed, to be perused by all the members of the house. Hereupon Mr. *Robert Walpole* said, 'He could not but wonder, that those Gentlemen, who had shewed so great impatience to have the report laid before the house, should now press for adjourning of the consideration of it. That as for the Committee of *secrecy*, as they had not yet gone through all the branches of their *inquiry*, they could have wished some longer time had been allowed them to peruse and digest several important papers. That in order to that, they would have deferred three weeks or a month, laying their report before the house, but that some Gentlemen having reflected on the pretended slowness of the Committee, since the said report was now before them, they must even go through with it.' *General Stanhope* added, 'That for his own part, he would readily agree to give those Gentlemen all the time they could desire to consider of the *report*; but that since they themselves had precipitated this affair, he was of opinion they ought to prosecute it with vigour, lest by stopping on a sudden, they should fortify the notion, which the friends of the late Ministry had, with great industry, propagated among the people, that the report of the Committee of secrecy would vanish

‘*vanish into smoke*: The rather, because these malicious insinuations had raised the spirits and insolence of the disaffected, and were the principal cause of the present ferment among the giddy multitude. That he agreed with the member who had moved for the printing of the report, that not only the house, but the whole world might be convinced of the fairness and impartiality of their proceedings: But that the crimes of some persons named in the report were so obvious to every body, that they ought, in his opinion, immediately proceed to the impeaching of them.’ The *Tories* still endeavoured to put off the *evil day*, and some proposed the adjourning of the debate till that day seven-night; and others would have been contented to defer it for three days only, *viz.* to the *Monday* following: But the court were staunch and resolute against all delays; and the question being put about seven o’clock in the evening, on the motion made by Sir *Thomas Hanmer*, was carried in the negative by 280 voices against 160. This point being gained, Mr. *Walpole* said, ‘He made no question, that, after the report had been twice read, the whole house was fully convinced, that *Henry* Lord Viscount *Bolingbroke* was guilty of *high-treason, and other high crimes and misdemeanors*. That therefore he impeached him of those crimes: But if any member had any thing to say in his behalf, he doubted not but the house was ready to hear him.’ Hereupon, the *Tories* looked one another in the face; and there was, for some minutes, a deep silence in the house. Mr. *Hungerford* broke it with saying, ‘That in his opinion, nothing was mentioned in the report in relation to the Lord *Bolingbroke*, that amounted to high-treason.’ And General *Ross* said, ‘He wondered no body spoke in favour of my Lord *Bolingbroke*: That, for his own part, he had nothing to say at present; but reserved to himself

The Lord
Bolingbroke
impeached
of high-trea-
son.

‘ to speak in a proper time.’ The resolution for impeaching *Henry Lord Viscount Bolingbroke* of *high treason*, and other *high crimes* and *misdemeanors*, being passed, and candles brought in, according to order, the Lord *Coningsby* stood up, and said, ‘ The worthy Chairman of the Committee has impeached the *band*, but I do impeach the *head*: He has impeached the *Clerk*, and I the *Justice*: He has impeached the *Scholar*, and I the *Master*.’ So he impeached *Robert*, Earl of *Oxford* and Earl *Mortimer*, of *high-treason*, and other *high crimes* and *misdemeanors*. Hereupon, Mr. Auditor *Harley* made a long pathetic speech; wherein he endeavoured to justify his brother, ‘ as having done nothing but by the immediate commands of the late Queen; urging, that the peace was a good one; and approved as such by two Parliaments; and such threadbare topics: concluding, that the facts mentioned in the report, and which were charged on the Earl, could not be construed to amount to *high-treason*, but only in strict rigour, to *misdemeanors*.’ He was backed by Mr. Auditor *Foley*, the Earl’s brother-in-law, who complained of the hardship put upon that nobleman, in charging him with *high-treason*, before they had examined the report: But what was yet more favourable for the Earl, was spoke by Sir *Joseph Jekyll*, one of the *Committee of secrecy*, who said, ‘ That as to the Lord *Bolingbroke*, they had more than sufficient evidence to convict him of high-treason, upon the statute 25 *Edw. III.* But that as to the Earl of *Oxford*, he doubted whether they had either sufficient matter, or evidence to impeach him of treason.’ But another honourable member of the *Committee of secrecy* having assured the house, ‘ That besides what had appeared before them, and was mentioned in the report, they had other evidence, *viva voce*.’ It was likewise resolved without dividing,

viding, that this house will impeach *Robert Earl of Oxford* and *Earl Mortimer* of *high-treason*, and other *high crimes and misdemeanors*; and ordered, 'That The Earl of Oxford impeached of high-treason. it be referred to the Committee of secrecy, to draw up articles of impeachment and prepare evidence against *Henry Viscount Bolingbroke*, and *Robert Earl of Oxford* and *Earl Mortimer*.' After this, it was ordered likewise, that the further consideration of the said report be adjourned to that day seven-night; and that the said report, with the appendix, be printed.

The next morning the *Earl of Oxford* went to the house of Peers, and at first appeared pretty serene and unconcerned: But finding that most members avoided sitting near him; and that even the *Earl Powlet* was shy of exchanging a few words with him, he was dashed out of countenance, and retired out of the house.

The same day, the Commons ordered, That *Mr. Speaker* do send a printed copy of the report from the Committee of secrecy to the Sheriff of every county, and to the returning officer of every city and borough sending members to Parliament.

On *Wednesday* the 15th of *June*, *Mr. Walpole*, from the Committee of secrecy, acquainted the house, 'That he was directed by the Committee to move the house, that the persons taken into custody (pursuant to the order of the house of the 9th instant) might be examined in the most solemn manner, according to former precedents.' Upon which it was ordered, That such members of the Committee of secrecy who are Justices of the peace for the county of *Middlesex* should examine *Matthew Prior*, Esq; and *Thomas Harley*, Esq; at the said Committee, touching matters contained in the several books and papers referred to them. Order for examining Mr. Prior and Mr. Harley.

Mr. Prior
ordered to be
confined in
close custody.

Two days after, Mr. *Walpole* acquainted the house, ' That (pursuant to their order) *Matthew Prior*, Esq; had been the day before examined before the Committee of secrecy, and during a long examination, there appeared matters of such importance, that the Committee had directed him to move the house, that he might be confined in close custody, and no person permitted to come to him.' Upon which it was ordered, *That Matthew Prior, Esq; (now in custody of the Serjeant at arms) be confined in close custody, and no person permitted to come to him without leave from Mr. Speaker.*

The same day that order was made, printed copies of the report from the Committee of secrecy were delivered to the members of both houses: Upon which Mr. *Bromley* moved *that the farther consideration of the said report be adjourned till Tuesday the 21st of June*, that the members might have time to peruse the said report: Which was ordered accordingly.

General
Stanbope im-
peaches the
Duke of Or-
mond.

On Tuesday the 21st of June, the house having, according to order, considered further of the report from the Committee of secrecy, Mr. Secretary *Stanbope* stood up and said, ' He wished he were not obliged to break silence on that occasion; But that as a member of the secret Committee, and of that great assembly, which ought to do the nation justice, he thought it his duty to impeach *James Duke of Ormond* of high-treason, and other high crimes and misdemeanors;' and was seconded by Mr *Boscawen*, Comptroller of his Majesty's household. Hereupon *Archibald Hutcheson*, Esq; one of the Commissioners of trade, made a long speech in behalf of the Duke of Ormond, wherein he set forth his noble birth and qualifications; and the great services which both he and his illustrious ancestors had performed to the crown and nation; urged, ' That

‘ That in the whole course of his late conduct he
 ‘ had but obeyed the late *Queen’s* commands ;’
 and concluded, ‘ That if all that was alledged a-
 ‘ gainst his Grace in the report could be made out,
 ‘ it would in the rigour of the law, amount to
 ‘ no more than *high misdemeanors*.’ This speech
 made a great impression on the assembly ; and Mr.
Hutchefon was seconded by General *Lumley*, who said
 among other things, ‘ That the Duke of *Ormond*
 ‘ had on all occasions given signal proofs both of
 ‘ his affection and love for his country, and of his
 ‘ personal bravery and courage, particularly at the
 ‘ battle of *Landen*, where was wounded and taken
 ‘ prisoner ; and that the late King *William* was ex-
 ‘ tremely satisfied with his Grace’s gallant behaviour.
 ‘ That his Grace had generously expended the best
 ‘ part of his estate in the wars, living in a most
 ‘ noble and splendid manner, for the honour of his
 ‘ country ; that therefore, in consideration both of
 ‘ his great services, and his illustrious relations, if
 ‘ he had of late been so unfortunate as to fail in any
 ‘ part of his conduct, they ought not to proceed
 ‘ against him with the utmost rigour of the law ; the
 ‘ rather because he ever meant well, and was drawn
 ‘ into ill measures by crafty Ministers.’ Sir *Joseph*
Jekyll, spoke likewise in favour of the Duke of *Or-*
mond : He said, ‘ That if there was room for mer-
 ‘ cy, he hoped it would be shewn to that noble, ge-
 ‘ nerous, and couragious Peer, who, for many
 ‘ years, had exerted those great accomplishments for
 ‘ the good and honour of his country ; that, if, of
 ‘ late, he had the misfortune to deviate from his for-
 ‘ mer conduct, the blame ought not, in justice and
 ‘ equity be laid to him, but to them principally,
 ‘ who abusing his affection, loyalty, and zeal for
 ‘ the service of his royal mistress, had drawn him
 ‘ into pernicious counsels ; that therefore, as the sta-
 ‘ tute of the 25th *Edw. III*, on which the charge
 ‘ of *high-treason* against his grace was to be ground-

‘ ed, had been mitigated by subsequent laws, the
 ‘ house ought not, in his opinion, take advantage
 ‘ of that act against the Duke, but only impeach
 ‘ him of high crimes and misdemeanors.’ Sir *Joseph*
 added, (in the course of this debate) ‘ That
 ‘ some persons endeavoured to aggravate the Duke
 ‘ of *Ormond*’s faults, by charging upon him the
 ‘ riots and tumults which the populace committed
 ‘ daily in many places ; but that he durst aver, that
 ‘ his Grace did no ways countenance those disorders ;
 ‘ and if the disaffected made use of his name, un-
 ‘ known to him, his Grace ought not to suffer for
 ‘ it.’ General *Ross* laid great stress upon Sir *Joseph*
Jekyll’s opinion, and said all he could in his com-
 mendation and the Duke’s defence. Sir *William*
Wyndham, *Thomas Onslow*, Esq; Mr. *Ward*, Mr.
Hungerford, and some other members of both par-
 ties, spoke also on the same side : But Mr. *Lyddal*
 (a young gentleman of bright parts, who spoke this
 first time with great deliberation and applause) Mr.
Hampden, and Mr. *Thompson*, Recorder of the city
 of *London*, did strongly support General *Stanhope*’s
 motion ; answered all that had been alledged in the
 Duke’s favour ; and, among other things, repre-
 sented, ‘ That he ever affected popularity ; that he
 ‘ could not be ignorant of the *tumults* and *riots* of
 ‘ which his name was the *signal* ; and that since he
 ‘ did not publicly disown them who made use of
 ‘ his name, his silence was a tacit approbation of their
 ‘ proceedings, and seemed to summon the people to
 ‘ a general insurrection.’

Sir *Edward Northey*, Attorney-general, did not
 disown, but that in the report of the Committee of
 secrecy, there were some matters on which an im-
 peachment of high-treason might be grounded a-
 gainst the Duke of *Ormond* ; but did not think it
 proper to explain himself farther on that occasion.
 Mr. *Lechmere*, Solicitor-General, spoke plainer,
 and mentioned a case parallel to the Duke’s, which
 had

had been adjudged *treason*. By this time, the debate had lasted from about one till near nine in the evening; and a motion that was made for adjourning being waved, candles were ordered to be brought in; which being done accordingly, the debate was prolonged till about half an hour past ten, when the question was put, and resolved by a majority of 234 voices against 187, 'That this house will impeach *James, Duke of Ormond, of high-treason, and other high crimes and misdemeanors.*' After which it was ordered, 'That it be referred to the Committee of *secrecy* to draw up articles of impeachment, and prepare evidence against *James Duke of Ormond*; and that the further consideration of the said report be adjourned to the next morning.'

The Duke of
Ormond im-
peached of
high-treason.

The next day, the Commons resumed the consideration of the report from the Committee of *secrecy*, and Mr. *Aislaby*, Treasurer of the navy, who spoke first, 'Took notice of the general concern that had appeared the day before in the house, for the noble person that was impeached; because they were persuaded 'twas rather thro' *weakness* than *malice* that he had swallowed pernicious counsels: But that in his opinion, few, if any, would speak in favour of another Lord, whom he was to impeach. That the person he meant was *Thomas, Earl of Strafford*, one of the Plenipotentiaries of *Great-Britain*, at the congress at *Utrecht*; whose conduct had been vastly different from that of his colleague, the present Bishop of *London*. That this good and pious Prelate seemed to have been put at the head of that negociation, only to palliate the iniquity of it, under the sacredness of his character; but was little more than a cypher in the absence of the Earl of *Strafford*. That the Bishop not being in the secret, had acted with reserve and caution, and would do nothing without the Queen's special commands: Whereas the Earl of *Strafford*

' not only was forward to *venture and undertake any*
 ' *thing* (as he expresses himself in one of his letters)
 ' to be the tool of a *frenchified* ministry ; but in ma-
 ' ny instances had gone beyond his instructions, and
 ' advised the most pernicious measures. That ha-
 ' ving impartially weighed the different conduct of
 ' these two Ministers, he was glad that nothing
 ' could be charged upon the Bishop, which gave
 ' them an opportunity to convince the world, *that*
 ' *the church is not in danger* : But moved, that
 ' *Thomas* Earl of *Strafford*, be impeached of *high*
 ' *crimes and misdemeanors.*' Mr *Aislaby* afterwards
 enlarged upon this charge, which he reduced to three
 principal heads, *viz.* ' *First*, The Earl of *Strafford's*
 ' advising the *fatal suspension* of arms : Which was
 ' soon after attended with several misfortunes that
 ' befel the allies ; and, at last reduced them to
 ' the necessity of submitting to the terms of an un-
 ' safe, dishonourable peace. *Secondly*, Advising the
 ' seizing of *Ghent* and *Bruges*, in order to distress the
 ' Allies, and favour the enemy. And *Thirdly*, The
 ' insolence and contempt with which he had treated
 ' the most serene house of *Hanover*, and their Ge-
 ' nerals and Ministers.' Mr *Baillie*, a *Scotch* mem-
 ber, having seconded Mr *Aislaby*, Sir *William*
Wyndham endeavoured to justify the Earl of *Straf-*
ford as to the first head, by saying, that the
 peace, which was but the sequel and necessary con-
 sequence of the *suspension* of arms, had been approved
 as such by two successive Parliaments, and declared
advantageous, safe, and honourable. Mr *Shippen*,
 Mr *Ward* (the Lawyer,) and Mr *Snell*, spoke also
 in favour of the Earl of *Strafford* ; as did also Mr
Hungersford, who, among other things, said, ' That
 ' tho' the Bishop of *London* had an equal share with
 ' the Earl of *Strafford* in the negociation of peace,
 ' he was, it seems, to have *the benefit of his Clergy.*'
 General *Rofs* having likewise said something to ex-
 cuse

cuse the *suspension* of arms, General Cadogan answered him briskly, and shewed, ‘ That considering
 ‘ the situation of both armies, the Confederates
 ‘ lost the fairest opportunity they ever had in *Flan-*
 ‘ *ders* to destroy the enemy’s army, and to pene-
 ‘ trate into the very heart of *France*. But added,
 ‘ That nothing less could be expected from a Prin-
 ‘ cefs, and a Ministry, who had entirely delivered
 ‘ themselves into the hands of *France*.’ Sir *James*
Campbel spoke also against the Earl of *Strafford*:
 But the member who distinguished himself most in
 this debate was Sir *James Dalrymple*, another *Scotch*
 member, who, with great clearness and solidity,
 summed up what had been said on both sides; and
 having illustrated the present case by parallel in-
 stances and proper observations, shewed that, both
 by the *civil* and *statute laws*, the Earl of *Strafford*
 was, at least, guilty of *high crimes and misdemeanors*.
 Hereupon, about 7 o’clock in the evening, the
 question was put, and (by a majority of 268 voices
 against 100) resolved, *that this house will impeach*
Thomas Earl of Strafford of high crimes and misde-
meanors; and ordered, First, ‘ That it be referred
‘ to the Committee of secrecy to draw up articles
‘ of impeachment, and prepare evidence against
‘ the said Earl. And Secondly, That the further
‘ consideration of the said report be adjourned to
‘ that day seven-night:’ When it was further ad-
 journed for a week longer.

The Earl of
Strafford im-
 peached of
high crimes
 and misde-
 meanors.

ON *Thursday* the seventh of *July*, Mr *Walpole*,
 from the *Committee of secrecy*, acquainted the
 house, ‘ That the Committee had, in obedience to
 ‘ the commands of the house, prepared *articles of*
 ‘ *impeachment* for *high-treason* and other *high crimes*
 ‘ and *misdemeanors*, against *Robert Earl of Oxford*,
 ‘ and *Earl Mortimer*; and that the Committee
 ‘ had commanded him, at the same time, to ac-
 quaint the house, that they should, in a short time,
 ‘ have

Articles of
impeach-
ment against
the Earl of
Oxford, laid
before the
Commons.

‘ have further articles to lay before the house a-
‘ gainst the said Earl; and that the Committee had
‘ directed him to report the *articles* (already pre-
‘ pared) to the house:’ And he read them in his
place, and afterwards delivered the same in at the
table, where they were once read.

After this it was moved by a member, that the
further consideration of the said articles be adjourn-
ed to that day seven-night; but it was carried with-
out dividing, and ordered, that the said report be
read a second time the next day. Accordingly,
on the 8th of *July*, the first ten of the *articles of im-
peachment* against *Robert*, Earl of *Oxford* and Earl
Mortimer, were read a second time; upon which
there was a long debate from two till eight in the
evening, when they were agreed to, with amend-
ments to some of them, by a majority of 280 voices,
against 125.

Debate about
them.

Then a motion being made, and the question
put, that the further consideration of the said report
be adjourned till the next morning, the same was
carried in the negative, by 247 votes against 139.
Hereupon the eleventh article was read a second
time, and amended by the house; and, after candles
had been brought in, there arose a great debate,
upon the question, Whether the said article was *high
treason*? Sir *Robert Raymond*, formerly Solicitor-
General, *William Bromley*, Esq; Sir *William Wynd-
ham*, the Auditors *Harley* and *Foley*, Mr *Ward*,
and Mr *Hungerford* (who had already spoke in fa-
vour of the Earl of *Oxford*) maintained the nega-
tive: And were strongly supported by Sir *Joseph
Jekyll*, one of the Committee of secrecy. The
latter said, among other things, ‘ That it was ever
‘ his principle to do justice to every body, from
‘ the highest to the lowest, being persuaded, that
‘ it was the duty of an honest man never to act by
‘ a spirit of party. That he hoped he might pre-
‘ tend

'tend to have some knowledge of the laws of the kingdom; and as, in the *Committee of secrecy*, he had taken the liberty to differ from his colleagues, he would not scruple to declare now to the whole house, that, in his judgment, the charge in question did not amount to *high-treason*.' Most of the members of the *Committee of secrecy* were offended at this speech, which both *revealed* and *censured* their proceedings: And thereupon Mr *Walpole* answered, with some warmth, 'That there were both in and out of the *Committee of secrecy* several persons, who did not, in the least, yield to the member that spoke last, in point of *bonesty*; and who, without derogating from his merit, were superior to him in the knowledge of the laws; but who, at the same time, were satisfied that the charge specified in the eleventh article amounted to treason.' Mr *Walpole* was backed by General *Stanhope*, the Lord *Coningsby*, General *Cadogan*, Mr *Boscawen*, and Mr *Aislaby*; and the eleventh article being amended, the same was agreed to by the house, by a majority of 247 votes against 127. It is observable, that Mr Auditor *Harley* endeavoured to justify his brother; *First*, By urging that he ever acted by the late Queen's positive commands; to prove which he offered to produce two letters from her Majesty; and *2dly*, The necessity of making a peace. Having, upon this occasion, advanced, that the *Dutch* prolonged the war, and that their deputies in the army had often prevented the giving the enemy a decisive blow. General *Cadogan* answered him very smartly; shewed that the *Dutch* were more concerned than any Prince or State in the grand alliance, to put an end to the war; and undertook to prove, that there had not been any campaign in *Flanders*, except that in which the Duke of *Ormond* commanded, that was not marked, and famous to all posterity, for some signal and glorious event,

event, to the advantage of the common cause. Then the rest of the sixteen articles were severally read a second time, and with amendments to some of them, agreed unto by the house, who ordered, First, *That the said articles be engrossed.* Secondly, *That a clause be prepared, saving liberty to the Commons to exhibit any further articles against the said Robert Earl of Oxford and Earl Mortimer; and that he may be sequestred from Parliament, and committed to safe custody.* This clause was, according to order, offered the next day, to the house; and being twice read, and agreed to, was ordered to be engrossed with the articles of impeachment. Whilst this was doing, the Commons ordered Mr *Comptroller* to go to the Lords with a message, to desire that their Lordships would continue sitting some time; with which desire their Lordships readily complied. Then the engrossed articles of impeachment against *Robert, Earl of Oxford and Earl Mortimer*, were read; after which it was ordered, First, *That the Lord Coningsby do carry the said articles to the Lords.* Secondly, *That the Lord Coningsby be directed (before he exhibits the said articles to the Lords) to impeach Robert, Earl of Oxford and Earl Mortimer, to the effect following, viz.*

Orders of
the house
of Com-
mons for im-
peaching the
Earl of Ox-
ford.

My Lords,

THE Commons assembled in Parliament having received information of divers traitorous practices and designs of a great Peer of this house, *Robert, Earl of Oxford and Earl Mortimer*; have commanded me to impeach the said Earl of *Oxford and Earl Mortimer*, of high-treason, and other high crimes and misdemeanors: And I do here in their names, and in the names of all the Commons of *Great-Britain*, impeach *Robert, Earl of Oxford and Earl Mortimer*, of high-treason, and other high crimes and misdemeanors. I am farther commanded by the house

of

of Commons to pray and demand of your Lordships, that the Earl of *Oxford* and Earl *Mortimer* may be sequestred from Parliament, and forthwith committed to safe custody.

After this, Mr *Sollicitor-General* having been sent to the Lords with a message, to desire, that their Lordships would direct the *Painted-Chamber*, the *Lobby*, and the passage to the house of Peers to be cleared from any crowd (which was done accordingly, by five o'clock in the afternoon) the Lord *Coningsby*, attended by most of the *Whig* members, went up to the house of Peers, and, at their bar, impeached *Robert*, Earl of *Oxford* and Earl *Mortimer*, in the form above-mentioned; and then left with their Lordships the *articles of impeachment*.

As soon as the Lord *Coningsby*, and the Commons that accompanied him, were withdrawn, a *Tory* Lord moved, 'That the consideration of the *articles of impeachment* be adjourned to *Monday* following,' and was backed by several Peers of the same side; particularly by the Bishop of *Rocheſter*, who urged, 'That this accusation was of so extraordinary a nature, and so very important, both in itself and its consequences, that the house ought to proceed on it with the utmost caution and deliberation.' But he was answered, by a *Scotch* Duke, who, among other things said, 'It was well known, the Prelate who spoke last, had, of late studied more *Politicks* than *Divinity*; and was thoroughly acquainted with the subject matter of the articles, that lay before them; and therefore his Grace did not doubt, but his Lordship was now as ready to speak to them, as he could ever be, if he had more time to consider of them.' After a debate of about an hour and a half, the question for *adjourning* was put, and carried in the *negative*, by a *majority* of 86 voices against 54; and thereupon

on the *articles of impeachment* were read, which took up till about eight in the evening. Then a motion was made, (by the same side that was for adjourning) *that the Judges* be consulted; that the house might be satisfied, whether the charge contained in the said articles amounted to *treason*? The Lords *Trevor*, and *Harcourt*, the Dukes of *Shrewsbury* and *Leeds*, the Earl of *Powlet*, the Lord *North* and *Grey*, the Bishop of *Rocheſter*, and ſome other Peers of that ſide, were for the *affirmative*; but the Lord *Cowper*, Lord Chancellor, the Dukes of *Argyle* and *Montroſe*, the Earls of *Nottingham*, *Sunderland*, *Dorſet*, and *Iſla*; the Lord Viſcount *Townſhend*, and ſome other Lords of the court party, ſpoke for the *negative*. The Lord *Trevor* having gone ſo far, as to declare his opinion, that none of the *articles* amounted to *high-treſon*; he was answered by the Lord *Cowper*, who ſhewed the contrary; and challenged all the Lawyers in *England* to diſprove his arguments. Nevertheless, the *Tory* Lords ſtill inſiſting on the conſulting of the *Judges*, the Earl of *Nottingham*, repreſented to them, ‘ That
‘ inſtead of favouring, thereby, the noble perſon
‘ who had the miſfortune to be impeached, as un-
‘ doubtedly, they meant it, they might, on the
‘ contrary, do him a great prejudice; for, if up-
‘ on conſulting the *Judges*, they declared the charge
‘ to amount to *treason*, the ſaid Lord would ſtand
‘ prejudged, before he was brought to his tryal.’ After ſome other ſpeeches, the *queſtion* was put upon the motion before mentioned, and carried in the *negative*, by 84 voices againſt 52. And then it was moved by the court party, that the Earl of *Oxford* be committed to ſafe cuſtody: Which occaſioned a freſh debate. Several members of both ſides, having declared their opinion upon that motion, the Earl of *Oxford* thought it high time for him to ſpeak for himſelf, which he did to this effect :

My Lords,

IT is a very great misfortune for any man to fall under the displeasure of so great and so powerful a body as the Commons of *Great-Britain*: And this misfortune is the heavier upon me, because I had the honour to be placed at the head of the late Ministry, and must now, it seems, be made accountable for all the measures that were then pursued. But, on the other hand, 'tis a very great comfort to me under this misfortune, that I have the honour to be a member of this august assembly: An assembly which always squares their proceedings and judgments by the rules of honour, justice, and equity; and is not to be byassed by a spirit of party.

The Earl of
Oxford's
speech in the
Lords house.

My Lords,

I could say a great deal to clear my self of the charge which is brought against me: But as I now labour under an indisposition of body, besides the fatigue of this long sitting, I shall contract what I have to say within a very narrow compass. This whole accusation may, it seems, be reduced to the negotiation and conclusion of the peace: That the nation wanted a peace, nobody will deny; and, I hope, it will be easily made out, that the conditions of this peace are as good as could be expected, considering the circumstances wherein it was made, and the backwardness and reluctance which some of the allies shewed to come into the Queen's measures. This is certain, that this peace, as bad as it is now represented, was approved by two successive Parliaments. It is, indeed, suggested against this peace, that it was a separate one: But I hope my Lords, it will be made appear, that it was general; and that it was *France*, and not *Great-Britain*, that made the first steps towards a negotiation. And, my Lords, I will be

bold

bold to say, that during my whole administration, the Sovereign upon the Throne, was loved at home, and feared abroad.

As to the business of *Tournay*, which is made a capital charge, I can safely aver, that I had no manner of share in it; and that the same was wholly transacted by that unfortunate nobleman who thought fit to step aside: But I dare say in his behalf, that if this charge could be proved, it would not amount to *treason*. For my own part, as I always acted by the immediate directions and commands of the late Queen, and never offended against any known law, I am justified in my conscience, and unconcerned for the life of an insignificant old man. But I cannot, without the highest ingratitude, be unconcerned for the best of Queens: A Queen who heaped upon me honours and preferments, though I never asked for them; and therefore I think myself under an obligation to vindicate her memory, and the measures she pursued, to my dying breath.

My Lords,

If Ministers of state, acting by the immediate commands of their Sovereign, are afterwards to be made accountable for their proceedings, it may, one day or other, be the case of all the members of this august assembly: I don't doubt, therefore, that out of regard to yourselves, your Lordships will give me an equitable hearing; and I hope that, in the prosecution of this enquiry, it will appear, that I have merited not only the *indulgence*, but likewise the favour of the government.

My Lords,

I am now to take my leave of your Lordships, and of this honourable house, perhaps for ever! I shall lay down my life with pleasure, in a cause favoured by my late dear royal Mistress. And
when

when I consider that I am to be judged by the justice, honour, and virtue of my Peers, I shall acquiesce, and retire with great content: And, my Lords, *God's will be done.*

Before the question for committing the Earl of *Oxford* to safe custody was put, the Duke of *Shrewsbury* acquainted the house, 'That the said Earl was, at present, very much indisposed with the gravel; and therefore he hoped the house would not immediately send him to the *Tower*, but suffer him to be, for two or three days, under the custody of the *black-rod* at his own house, where he might have the attendance and assistance of his relations and servants: That, however, he did not propose this as a motion, because he was against committing him at all; but only left it to the consideration of the house.' His Grace was seconded by the Earl of *Powlet*; and no opposition being made by the other party, the Earl of *Oxford* withdrew, leaving word, with the Usher of the *black-rod*, that he would be at home. After this, the question was put, *that the said Earl be committed to safe custody*, which was carried in the affirmative, by 82 voices, against 50; and so the house rose, about a quarter past one in the morning; when the Usher of the *black-rod* went to the Earl of *Oxford's* house; communicated to him the order of the house of Peers, for taking him into custody; and left some of his officers for that purpose in his Lordship's house. It was observed that when the Earl of *Oxford* went home, he was attended by a mob that cried out *Highbury, Ormond, and Oxford* for ever, &c.

The Earl of *Oxford* under the custody of the *black-rod*.

On Monday the 11th of July, the Lord *Coningsby* acquainted the Commons, 'That he did, the Saturday before, at the bar of the house of Lords, impeach *Robert, Earl of Oxford* and *Earl Mor-*

‘ timer of *high-treason*, and other high crimes, and
 ‘ misdemeanors, and delivered in the articles of im-
 ‘ peachment against him ; and did pray and demand
 ‘ that the said Earl might be sequestred from Par-
 ‘ liament, and forthwith committed to safe custody.’
 The same day the Lords *ordered*, that the Earl of
Oxford be brought to the bar of their house the next
 morning, in order to be sent to the *Tower* ; and
 then their Lordships sent a message to the Commons
 to acquaint that honourable house, ‘ That the Lords
 ‘ had ordered the *black rod* to attach and take into
 ‘ safe custody *Robert*, Earl of *Oxford* and Earl
 ‘ *Mortimer* ; and that the *black-rod* had returned to
 ‘ the Lords, that he had accordingly attached the
 ‘ said Earl, and had him now in safe custody.’

On *Tuesday* the 12th of *July*, the Earl of *Ox-*
ford was according to order, brought to the bar of
 the Lords house, where having received a copy of
 the *articles of impeachment against him*, he repre-
 sented to their Lordships, ‘ That the ablest men in
 ‘ the nation had been many weeks in drawing up
 ‘ those long articles against him ; and therefore he
 ‘ hoped the house would allow him a proportion-
 ‘ able time to answer them.’ His Lordship took
 ‘ that occasion to return to their Lordships his hear-
 ‘ ty thanks for their great humanity in not sending
 ‘ him to the *Tower* the *Saturday* before ; and as he
 ‘ still laboured under the same indisposition of body,
 ‘ he humbly desired their Lordships to permit him
 ‘ to continue some few days more at his own house,
 ‘ under the custody of the *black-rod*.’ The Earl of
Oxford being withdrawn to the *black-rod room*, the
 Lords resolved to allow him a month to answer the
articles of impeachment ; and as to his last request,
 Dr *Mead*, one of his Lordship’s Physicians, being
 consulted, and having made a kind of *affidavit*, that
if the Earl were sent to the Tower, his life would be
in danger : A motion was made, *that he might con-*
tinue

tinue in his house till the Monday following : But this was opposed, and after a warm debate, it was carried, by eighty one voices against fifty five, that he should be carried to the *Tower*, on *Saturday* the 16th of *July*. The most remarkable passage in this day's debate, was as follows : The Earl of *Anglesey* having said, ' That it was to be feared, these violent measures would make the sceptre shake in the King's hands.' Most of the members were offended at this suggestion, and some cried the *Tower*, and others only to order. The Earl of *Sutherland*, one of the Sixteen Peers of *North-Britain*, who, in the worst of times, had given signal proofs of his affection to the *Hanover* succession, standing up, said, ' He trembled with indignation to hear such words pronounced in that noble assembly ; that if they had been spoke any where else, he would call the person that spoke them to an account : But all he could do there was to move that he might explain himself.' The Earl of *Sutherland* was seconded by the Duke of *Roxburgh*, another *Scotch* Peer of eminent zeal and affection for the present happy settlement, who, among other things, said, *That the sceptre was so well rivetted in the King's hand, that instead of shaking, it would crush all his Majesty's enemies.* The Earl of *Berkeley*, and some other Lords backed also the Earl of *Sutherland's* motion : Whereupon the Earl of *Anglesey* stood up, and said, ' That it was but too manifest, by the riots that were daily committed in several parts of the kingdom, that the nation, in general, was against these impeachments ; that for his own part, he was so far from approving those tumultuous assemblies and disorders, that he rather wished a stop might speedily be put to them, by exemplary punishments ; that he had on several occasions, given sufficient proofs of his zeal and affection for the revolution and the *Protestant* succession ; that what he had now advanced, was the result of the same

Remarkable
 passage in the
 Lords house,
July 12th.

‘ zeal for the peace and prosperity of his Majesty’s
 ‘ reign: However, if he had been so unhappy as,
 ‘ by any *unguarded* or *passionate* expression, to give
 ‘ offence to that august assembly, he was very sorry
 ‘ for it.’ Notwithstanding this apology, some
 members were inclined to have his Lordship sent
 to the *Tower*, but the *very words* he had spoken not
 having been taken in writing, the house admitted
 his Lordship’s explanation, and so that matter went
 no farther.

It was expected, that the Earl of *Oxford* would,
 on the 23d of *August*, have given in his answer to the
 articles exhibited against him; but on that day, a
 petition from the said Earl, praying for a longer
 time, being presented to their Lordships, they were
 pleased to agree to give him till that day se’nnight,
 and ordered, that he should then attend at their bar
 in person, and deliver in his answer. But on the
 30th of *August*, having petitioned for a longer de-
 lay, their Lordships granted him till *Saturday* the
 3d of *September*, when the Earl of *Oxford* caused
 his answer to be delivered to the house of Lords.

After the reading of the answer, the Lords or-
 dered the same to be entered in the books of their
 house; and on *Wednesday*, the 7th of *September*,
 sent a messenge to acquaint the Commons, ‘ That
 ‘ the Earl of *Oxford* and Earl *Mortimer* had put in
 ‘ his answer to the articles of impeachment exhibited
 ‘ against him for high-treason and other high crimes
 ‘ and misdemeanors, and to deliver to the house of
 ‘ Commons a true copy thereof.’ Hereupon the
 Commons ordered, ‘ That the said answer be read
 ‘ upon *Friday* * morning next;’ but the same was
 put off till *Monday* the 12th of *September*, when,
 the said answer being read accordingly, there arose
 a small debate. Mr *Walpole*, among other things,
 said, ‘ He had not yet had time to peruse and exa-
 mine

* *Sept. 9th.*

' mine that answer, but that he now heard it read
 ' with a great deal of attention, and, in his opinion,
 ' it contained little more than what had been sug-
 ' gested in vindication of the *late measures*, in a
 ' Pamphlet, intituled, *The conduct of the Allies*,
 ' and repeated over and over in the papers called
 ' *The Examiner*. That the main drift of this an-
 ' swer seemed to prove these two assertions: *First*,
 ' That the Earl of *Oxford* had no share in the advi-
 ' sing and managing the matters mentioned in the
 ' articles against him, but that the late Queen did e-
 ' very thing; and *Secondly*, That the late Queen was
 ' a wise, good, and pious Princess. That if the se-
 ' cond proposition were not better grounded than
 ' the first, the reputation of that excellent Princess
 ' would be very precarious: But as every body
 ' must own her to be a good and pious Queen, so it
 ' was notorious that the Earl of *Oxford*, as Prime
 ' Minister, was the chief adviser, promoter, and
 ' manager, of the matters charged upon him in the
 ' articles: And therefore his answer was a false and
 ' malicious libel, laying upon his royal mistress the
 ' blame of all the pernicious measures he had led
 ' her into, against her own honour and the good
 ' of his country: That he hoped the Earl's endea-
 ' vouring to screen himself behind the Queen's
 ' name, would avail him nothing: That 'tis, in-
 ' deed, a fundamental maxim of our constitution,
 ' that *Kings can do no wrong*; but that, at the same
 ' time, 'tis no less certain, that *Ministers of state are*
 ' *accountable for their actions*; otherwise a Parlia-
 ' ment would be but an empty name; the Commons
 ' would have no business in that place; and the
 ' Government would be absolute and arbitrary.
 ' That tho' the Earl had the assurance to aver, that
 ' he had no share in the management of affairs that
 ' were transacted while he was at the helm, yet he
 ' pretended to justify the late measures: And there-

Mr Wal-
 pole's speech
 upon the
 reading the
 Earl of Ox-
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 swer.

Mr Shippen's speech.

fore, in that respect, his answer ought to be looked upon as a libel on the proceedings of the Commons, since he endeavoured to clear those persons, who had already confessed their guilt by their flight.' Mr *Shippen*, could not be altogether silent upon this occasion: He said, 'That it would not become him to defend the Earl's answer, since as a member of that honourable assembly, he was become one of his accusers: But that he could not forbear wishing, that this prosecution might be dropt, and that the house would be satisfied with the two late acts of *attainder*. That this wish of his was the stronger, because one of the principal reasons that induced the Commons to impeach the Earl of *Oxford*, subsisted no longer, the affairs of *Europe* having received a sudden turn from the death of the *French King*; whereby the renunciation of King *Philip* began to take place, in the advancement of the Duke of *Orleans* to the absolute regency of *France*.' Mr *Aislaby* answered thereupon, 'He hoped, 'twas to little purpose the gentleman who spoke last, endeavoured to move the pity and compassion of the house, and persuade them to drop this prosecution. That this was not a proper time to examine and reply to the Earl of *Oxford*'s answer, and therefore he would content himself with saying, in general, that it was a contexture of the *shifts*, *evasions*, and *false representations*, contained in *three parts* of the *history of the White-Staff*. That as to what had been suggested, concerning the event which seemed to have strengthened the renunciation, he did not deny, there might be something in it; which was manifest from the great joy the well affected to the government had shewn on this occasion, and from the mortification and despair that appeared in the faces of a certain party: But that, after all, it could not yet be ascertained, that the *renunciation* was in force; that there was a vast difference between

Mr Aislaby's speech.

‘ between the *regency* and the *crown* ; that time only would decide that matter ; but that even supposing, that by the concurrence of unforeseen events, King *Philip*’s renunciation should, at last, take place, yet the same would not justify the ministers who proposed and laid it as the foundation of the late peace, since they with whom they treated, were so frank and so sincere as to tell them, that it could never be *valid*, by the fundamental laws of *France*.’ After some other speeches, it was ordered, *First*, ‘ That the answer of *Robert Earl of Oxford* and *Earl Mortimer*, be referred to the Committee appointed to draw up articles of impeachment and prepare evidence against the impeached Lords ; *Secondly*, That the said Committee do prepare a *replication* to the said answer.’ Accordingly, on *Friday* the 16th of *September*, Mr *Walpole*, from the said Committee, reported the said *replication*, which he read in his place, and afterwards delivered in at the table, where the same was read, agreed unto, and *ordered* to be engrossed. Three days * after, the engrossed replication was read, and ordered, that the Lord *Coningsby* do carry the same to the Lords : Which his Lordship did accordingly. But the farther prosecution of this affair was deferred on account of the rebellion, which soon followed after this, and several other interruptions, till the 24th of *June*, 1717.

* Sept. 19th.

After several prorogations, the Parliament met 1716. at *Westminster*, on the 9th of *January*, when the King went to the house of peers, and the Commons being sent for up, and attending, the Lord Chancellor read his Majesty’s speech to both houses, as follows :

My Lords and Gentlemen,

THE zeal and affection to my government, The King’s
and the vigilant care for the safety of the speech.

A a 4

nation,

nation, which you have shewn in your respective counties, have not only fully answered my expectations, but give me assurances that you are met together resolved to act with a spirit becoming a time of common danger, and with such a vigour, as will end in the confusion of all those who have openly engaged in this rebellion, and in the shame and reproach of such as by secret and malicious insinuations, have fomented, or by an avowed indifference, encouraged this traiterous enterprize.

It is, I doubt not, a great satisfaction to you to have observed, that the powers you entrusted me with for the preservation of the publick safety, have been employed in the most proper and effectual manner, and made strictly subservient to those purposes only for which you intended them; and you must have had the pleasure to reflect with me, that as the measures taken for our defence, have been just and necessary, so it has pleased the divine providence to bless them with a series of suitable success: And I cannot but take this opportunity of doing justice to the officers and soldiers of the army, whose brave and faithful discharge of their duty, has disappointed our enemies, and contributed so much to the safety of the nation.

I did hope that the detecting and preventing the designed insurrections in some parts of this kingdom, and the defeating in others, those who had taken up arms against me, would have put an end to this rebellion; but it is plain that our enemies, animated by some secret hopes of assistance, are still endeavouring to support this desperate undertaking; and the *Pretender*, as I have reason to believe, is now landed in *Scotland*.

It is however with pleasure I can acquaint you, that notwithstanding these intestine commotions, *Great Britain* has, in some measure, recovered its influence and reputation abroad. The treaty for settling

settling the barrier for the *Netherlands*, is now fully concluded between the Emperor and the States-General, under my guaranty. The King of *Spain* has agreed to a treaty, by which that valuable branch of our commerce will be delivered from the new impositions and hardships to which it was subjected by the late treaties, and will stand settled for the future on a foot more advantageous and certain, than it ever did in the most flourishing time of any of my predecessors; and the treaty for renewing all former alliances between the crown of *Great-Britain* and the States-General, is brought very near to it's conclusion.

Gentlemen of the house of Commons,

I must rely on your affection to me, and your care and concern for the safety of the nation, to grant me such supplies, as may enable me to restore and secure the peace of the kingdom; and I will order estimates of the necessary expences to be laid before you.

Among the many unavoidable ill consequences of this rebellion, none affects me more sensibly, than that extraordinary burthen which it has and must create to my faithful subjects. To ease them as far as in my power, I take this first opportunity of declaring, that I will freely give up all the estates that shall become forfeited to the crown by this rebellion, to be applied towards defraying the extraordinary expence incurred on this occasion.

My Lords and Gentlemen,

It is matter of the greatest uneasiness to me, that the first years of my reign, the whole course of which I wished to have transmitted to posterity, distinguished by the fair and endearing marks of peace and clemency, should be clouded and overcast with so unnatural a rebellion; which,
however

however impotent and unsuccessful a due care may render it in all other respects, does most sensibly afflict me, by the calamities it has brought on many of my faithful subjects, and by those indispensable returns of severity which their sufferings and the public safety do most justly call for. Under this concern, my greatest comfort is, that I cannot reproach myself with having given the least provocation to that spirit of discontent and calumny that has been let loose against me, or the least pretence for kindling the flame of this rebellion.

Let those whose fatal counsels laid the foundation of all these mischiefs, and those whose private discontents and disappointments, disguised under false pretences, have betrayed great numbers of deluded people into their own destruction, answer for the miseries in which they have involved their fellow-subjects. I question not, but that with the continuance of God's blessings, who alone is able to form good out of evil, and with the chearful assistance of my Parliament, we shall, in a short time, see this rebellion end, not only in restoring the tranquillity of my government, but in procuring a firm and lasting establishment of that excellent constitution in church and state, which it was manifestly designed to subvert: And that this open and flagrant attempt in favour of Popery, will abolish all other distinctions among us, but of such as are zealous assertors of the liberties of their country, the present establishment, and the *Protestant* religion, and of such as are endeavouring to subject the nation to the revenge and tyranny of a *Popish Pretender*.

The Commons being returned to their house, and having unanimously resolved on an address of thanks to his Majesty, sent to the Lords to desire them to continue sitting for some time. This message was carried

carried by Mr. *Lechmere*, who having reported to the house, that the Lords consented to do so, made a speech to the effect following. He said, ' That after the general assurances the house had given to his Majesty, one moment ought not to be lost, without taking some effectual step towards making them good : That the first and great concern was, to put an end to this rebellion ; not only to quiet the present commotions, but to extinguish the very possibility of their being renewed : That for these ends, every gentleman would agree to strengthen the hands of the King in such a manner, as would enable him speedily and effectually to compleat this work : That the house would do this with an absolute chearfulness, from the certain knowledge and experience they had of the wisdom and justice of his Majesty, who would make no other use of any confidence his Parliament should repose in him, than to promote the common welfare of his people ; and that whatever extraordinary assistance the present juncture of affairs should require, would be continued no longer than the public necessity called for : That the next useful and necessary step, was the national justice, which was incumbent on this house, in duty to the King, as well as in justice to the people : And as ungrateful and disagreeable a part as this must be, yet, when the design of the enemy was become so desperate, and so avowed, as to strike at the crown upon the King's head, and to involve the nation in the calamities of a civil war, the house could not exert themselves too early, nor with too much vigour ; and that as the house acquitted itself on this occasion, he promised himself the effect would be answerable : That the spirit which should be shewn in this instance, would animate the friends of the government, both at home and abroad ; and the terror it must strike on our enemies, would be equal at least, and contribute

Mr. *Lechmere's* speech concerning the rebellion.

‘ tribute as much to the common safety, as any other
‘ preparation that had or could be made. He wished
‘ he could say or think, that this rebellion was the
‘ project of those only, who appeared to head it ; or
‘ that it was the result of the weak or rash counsels of
‘ those who publickly avowed it ; he wished he
‘ could say, that it was the work of *Papists* only, or of
‘ those few *Protestants* who were wicked or weak
‘ enough openly to join in it. He wished he could
‘ say, that it was a plot but of yesterday, and that
‘ it had taken no deeper root than ordinary ap-
‘ pearances would lead to suspect ; but he thought it
‘ plain, that it was the effect of many years labour,
‘ of the joint and united labour of great numbers,
‘ both *Protestants* and *Papists*, the plain and necessa-
‘ ry consequence of the measures which had been
‘ carrying on for some years past. That to frame a
‘ right judgment of the nature of this rebellion, he
‘ thought it necessary for the house to look back, and
‘ consider the natural tendency of the public pro-
‘ ceedings of late years, and the connection they
‘ bore with the present unfortunate state of things :
‘ When men in sacred functions suffered themselves
‘ to become state-instruments, and the great merit of
‘ such men was, under the pretence of asserting the
‘ doctrines of the church of *England* to condemn the
‘ revolution, he could never understand any other de-
‘ sign or tendency from those practices, than to un-
‘ dermine the foundation of the Protestant succession.

‘ He remembered ’twas said upon a very solemn
‘ occasion, by a very honourable Gentleman, *That*
‘ *the condemning the late happy revolution, could have*
‘ *no other meaning, than to make Way for another :*
‘ That however wicked and dangerous these practices
‘ were, they made too great an impression, and con-
‘ tributed a great deal to the present calamity : That
‘ as the designs of the enemy grew more avowed,
‘ state-principles of another kind were advanced,
‘ which still conduced to the same end : That ’twas

‘ well

well known what industry was used to inculcate the notions of *hereditary right* to the crown, in opposition to the settlement which had been made of it in the house of *Hanover*, by the authority of Parliament, and with no other view, than to weaken that settlement: That every one remembered what extraordinary pains were taken to poison the people with this dangerous notion; and that those who made the best court to men in power, were such who espoused this opinion in the most notorious manner: That he could not forget with what tenderness a certain divine of the church of *England* was treated below stairs, whilst under prosecution for the most impudent libel * that ever was published against any government, that had either will or power to maintain itself. He thought the punishment that was inflicted on that gentleman light enough, but he could not avoid taking notice of a remarkable passage, which then alarmed every thinking man, and will, one time or other, deserve the consideration of this house, *viz.* The order from the government, countersigned by a Secretary of state to the Judges of the Queen's Bench, after the judgment passed, to supersede the ignominious part of the punishment, by reason of the sacred function of the criminal; by which the most unexampled and dangerous distinction was introduced; and which proceeding could bear no other construction, than as a licence and protection, even from the government, to men in holy orders, to propagate that destructive position with impunity; and the character of the person, which ought in justice to have aggravated his guilt, and heightened the punishment, became his indemnity against the reproach of it, even by the authority of the government itself. He remembered in what manner every thing of that nature

* *The hereditary right asserted, &c.*

' ture was treated in *Westminster-Hall*; what severi-
 ' ties were exercised against those persons who had
 ' Courage enough to assert the interest of their
 ' country, and of the Protestant succession, at the
 ' same time that the patrons of hereditary right en-
 ' joyed all indulgencies: That he mentioned these
 ' things on no uncertainties, having been an eye-
 ' witness of them himself, and it having fallen to
 ' his share to bear some part in them: That this
 ' was one of the most successful parts of the scheme
 ' of those who had fixed their eyes on the Preten-
 ' der: That the house need not be told how far it
 ' had operated to the prejudice of the Protestant
 ' succession. That he could give many other in-
 ' stances of this kind; all which promoted the same
 ' end. The gross distinctions that were coined
 ' to elude the oaths that had been made for the secu-
 ' rity of the government; the endeavours that were
 ' used to possess the people with false fears of the
 ' danger of the church; and the little care that was
 ' taken, to say no worse of it, to instil into the
 ' youth of the kingdom, such principles as were con-
 ' sistent with the true interest either of church or
 ' state. That he looked upon these things which
 ' he had mentioned, to be the foundation of the
 ' scheme that was now, by this rebellion, carrying
 ' on into execution; and he owned, that in this re-
 ' spect, the authors of it were wise in their gene-
 ' ration; for by these arts, the very principle on
 ' which the Protestant succession is founded, was
 ' shaken; and tho' the methods of doing it, were
 ' base and vile, yet the dissatisfaction and uneasi-
 ' ness that was created by them in the minds of the
 ' people, made way for the change that was de-
 ' fired.

' That he craved leave of the house, to put them in
 ' mind of other parts of this scheme, that were carry-
 ' ing on at the same time. The enemies to the pre-
 ' sent government judging aright for their own pur-
 ' pose,

pose, by all methods to attack the consciences of the people, as to the legality and justice of the settlement of the crown in the house of *Hanover*; they thought it necessary, at the same time, to disable, as far as they could, those persons who had been most remarkable for their services in the support of it. That the great effort was made at that great man *, who is not only the honour and ornament of his country, but the glory of the age he lives in. He added, he thought he should not be suspected of flattery at this time, nor as he believed, at any time, with respect to that great man. That many who then heard him, remembered the part he took in vindication of that great man, whilst his character was under debate in this house. That he could not forget the rage and inveteracy with which he was pursued; nor how much stress was laid upon obtaining the censures of Parliament upon him: That the aspersions then thrown upon him, did not hurt that great man; and whatever endeavours may at any time be used to lessen him, will hurt none but those that shall promote them; but yet those vain endeavours were a very useful part of the scheme then carrying on. 'Twas a necessary step for those men to put him out of the way, whose very name and appearance, at that time, would have been sufficient to raise armies in favour of the Protestant succession, and the liberties of his country: But he could not but observe, that as serviceable as it was for the measures of those men to wound his character, 'twas now a reproach to the kingdom, that those *groundless aspersions*; which had been cast upon him, should remain upon the journals of Parliament. That another great Lord † fell under the violence of those

* *The Duke of Marlborough.*

† *The Lord Viscount Townshend.*

' times, whose prosecution was attended with un-
 ' common fury. That himself had some share in
 ' justifying that great man in this house, when he
 ' was voted an enemy to his country. That he ob-
 ' served at that time, and the event has made it
 ' evident, that the barrier was but the pretence, and
 ' the great services he had done to the Protestant
 ' succession, was the true provocation which drew
 ' that rage upon him. That two other honourable
 ' gentlemen *, then sitting near him, had felt the
 ' severity of those times; they had distinguished
 ' themselves by their zeal and firmness to the true
 ' interest of their country, and were too confide-
 ' rable to escape the malice of those who had other
 ' views. That those proceedings, how uncertain
 ' soever the design of them might appear while they
 ' were transacting, have been sufficiently explain-
 ' ed by what has followed. That the name of
 ' that General, for whose immediate service the
 ' great man first mentioned, was blemished, and for
 ' whom there was vanity enough to make him his
 ' rival, is now become the reproach of his family
 ' and country: He avows the service of the Pre-
 ' tender, and e'er long we may hear of him at the
 ' head of an expedition for establishing Popery and
 ' arbitrary power. That the Secretary of state,
 ' who distinguished himself in the pursuit of the
 ' other great Lord, has sufficiently explained his de-
 ' signs to the whole world: And the next tidings
 ' that we may expect from abroad, is, that he has
 ' taken upon him the character of a Minister to the
 ' Pretender. That he looked upon this (*meaning*
 ' *the disabling the great asserters of the Protestant in-*
 ' *terest*) to be a second, and no small part of the
 ' scheme; and while these things were carrying on,
 ' their little engines and tools were carrying on
 ' their work below stairs †. That every man who
 ' favoured the *Hanover* succession, was to be wor-
 ' ried,

* *Mr. Stanhope and Mr. Walpole.*

† *Westminster-hall.*

ried, and all open and scandalous assertors of contrary principles, were treated with all the care and tenderness of friends.

Charters of corporations were attacked in a more unprecedented and dangerous manner, than in former times, when practices of that kind were most justly complained of, and no stone was left unturned to strengthen themselves in that respect. That he would not then trouble the house any more upon that head, having some thoughts, e'er long, to present them with a small collection of things of that kind, for their serious consideration.

That the master-strokes of this grand scheme were yet behind : That the surest way to destroy the government, has been always thought to be by its own hands, that is, by the authority and power of Parliament. For this purpose a confederacy, by which the liberties of *Europe* had been so long sustained against the power of *France*, was broke to pieces by votes that were obtained in this house in the most extraordinary manner. That the honour of the nation, the balance of power, and the Protestant interest in *Europe*, were effectually given up in the negociations and conclusion of the peace, by which *France* was restored to its ancient and formidable state ; and every body remembered how near they were, by the same influences, to have given up the whole trade of the nation, to the interest of the *French* King ; who, after that, had no suitable return left for him to make for such services, but to bestow upon them a Pretender, bred up in his own faith, and in his own politics. That nothing could have obstructed this, but the many miraculous providences that immediately followed, when his power throughout *Europe* was incontestable ; and, by the measures that had been taken, the Protestant succession had scarce a friend left in the world.

' That the King's accession to the throne, accom-
 ' panied by so many providential circumstances,
 ' as it disappointed the immediate execution of
 ' the scheme, so it quieted the spirit of those
 ' men for some time. That if the house would
 ' make a right judgment of the present rebel-
 ' lion, they must compare the steps that imme-
 ' diately preceded it, with those that were
 ' taken in the last reign, when the hope was to have
 ' brought about the same end without a stroke:
 ' That the same endeavours soon appeared to pro-
 ' pagate the same principles, both in church and
 ' state; and those endeavours, though at first not
 ' so open, were yet as restless to create dissatisfac-
 ' tion against his Majesty's government, as they had
 ' been before to prevent its taking place. As the
 ' encouragement grew stronger, tumults and riots
 ' were universally fomented; and it was well known
 ' from what quarter they rose, and against whom
 ' they were levelled; but yet no one instance has
 ' been assigned, throughout his administration, that
 ' could offend or provoke any but a *Jacobite* spirit.

' That his Majesty has done more for the honour
 ' of the Church, and the true interest of his king-
 ' dom, than any of his predecessors, in three times
 ' the number of years: That his personal virtues,
 ' and the wisdom and steadiness of his government
 ' have retrieved the honour and reputation of his
 ' kingdoms, which had been so shamefully lost:
 ' That his weight and influence abroad, and the
 ' credit he has obtained in all the known parts of the
 ' world, have already procured the settlement of the
 ' matters in difference between the two chief powers
 ' of *Europe*, from whom alone we can expect assistance
 ' in times of danger. That no single instance can be
 ' assigned of hardship or oppression to any one of his
 ' subjects, or that can give a just reason of dissatis-
 ' faction; but, on the contrary, those who have
 ' shewn the greatest aversion to his government,

have

‘ have received the kindest invitations, and enjoyed the highest indulgences from him. That if any errors may have been committed in any parts of the administration, during the present disorders, every honest man ought to judge of them by this one rule, that is, the plain design for which all measures are calculated, which every body must admit to be the preservation of the Protestant succession: That all incidents of such an administration, ought to be covered or justified by the interest that shall appear to be carried on throughout the whole; that by the same rule of justice, when the destruction of the common interest was the plain intention of the late administration, and the greatest weight ought to be laid on every little circumstance that attended, in order to obtain a public satisfaction. That by taking in all these considerations, he thought the house would make a full and right judgment of the nature of this rebellion, from whence it took its rise, how deep it had taken root, to what influences it was owing, and how far it extended: That the part the Lord *Derwentwater* and others, had taken in it, were to be considered as the first symptoms of that general disorder, for which so much foundation was laid; for which reason, he thought that the house could not consider this otherwise than as the case of the nation, in the strongest manner.

‘ That in justice to the King, as well as to the People, they ought to take this into their own hands, and not to entrust the prosecution of it with any body but themselves. That every body knew to what hazards prosecutions, in the ordinary course of justice, were liable, though they were never so well concerted by those whose business it was to carry them on: But how sure soever the success might be, in a case so notorious as this, yet it was obvious to every body, of what

different weight and influence the prosecutions of Parliament were, from those in the ordinary forms. That he owned he was surprized that any measures had been taken of that kind, against the Peers who had been taken in open rebellion, sitting a Parliament which had shewn so much zeal, and had contributed so much to the preservation of the government, especially at a time when the crown on the King's head was fighting for. That he very well knew, that though the house of Commons right of impeaching criminals was unlimited, yet they would exercise that power by the rules of wisdom and discretion, and not engage in trivial matters, but in such only, where the offenders were not within the reach of the ordinary justice, or the nature of their crimes such as were not fit to be meddled with by the ordinary jurisdictions. That the case of the Lords taken in rebellion, was indeed notorious, and of which the proof would be easy; but though not from the difficulty of the prosecution, yet from the weight and consequence of it, he thought, he need say little more to convince the house, and make it their prosecution, by which they engaged every commoner in *Great-Britain*, as an immediate party against those who had carried a war into the bowels of the kingdom. That no instance ever had risen in the *English* history where their ancestors had permitted a prosecution of this kind, against the chief actors, to be carried any where but in full Parliament. That the five Popish Lords were pursued by the loud voice and weight of the Commons of *England*; and though at that time the nation was in peace, they would not permit the fate of those prosecutions to depend on the care or skill of those who are versed in the ordinary forms of justice; and their success was answerable.

That

That he owned his desire, upon all occasions, to raise the honour and authority of Parliaments, which he thought the greatest support of the honour and the prerogatives of the crown : For which reason, he took this occasion to speak more fully to the nature of impeachments, and the rather, because he apprehended some Gentlemen had mistaken notions concerning them : That the power of impeachments was the most valuable and useful privilege that belonged to the body of the Commons, at least equal to that of giving money, which belongs solely to them. That Gentlemen need not be apprehensive of any intricacies in those proceedings, especially at a time, and upon an occasion, when there was no doubt of the concurrence of both houses. That the impeachments were in themselves more plain, regular, and disentangled, than any other forms of justice. That they were particularly excepted out of the late statute of treasons, which had very much fettered the ordinary course of proceedings. That impeachments were never made difficult, but when they were carried on against the inclination of the crown, or at a time when there was no good understanding between the two houses ; when little occasions might be sought to raise disputes, and interrupt them ; or else when they are undertaken, before they are well considered ; which could not be the present case. That there was another reason, which upon this occasion should determine Gentlemen into this method ; he meant the consequences of the judgment that should be obtained against those Lords ; he asserted it as his clear opinion, and which he thought he could maintain, that no pardon under the great seal could discharge a judgment obtained upon the impeachment of the Commons : That this opinion had been strenuously asserted in this house in former reigns ; and he thought it not weakened by the

‘ declaration in the act of settlement of the crown
‘ upon the house of *Hanover*.

‘ That he had heard of a very new distinction that
‘ had been coined without doors, to avoid this opini-
‘ on, viz. *That the pardon was not pleadable in bar of the*
‘ *impeachment, and to prevent the Commons from examin-*
‘ *ing into the offence; but that it was pleadable after judg-*
‘ *ment and in bar of execution.* That whenever that
‘ question should come properly before them, he
‘ undertook to shew the idleness and absurdity of
‘ that distinction; that if that distinction was fram-
‘ ed to make court to the prerogative, he thought
‘ it the most false and destructive piece of flattery
‘ of the kind, that ever had been raised. That it
‘ was the greatest ease, security, and support of the
‘ crown, in his opinion, instead of any diminution
‘ of it, that no such power should be lodged there,
‘ to be exercised on any occasion, to prevent the
‘ possibility of the crown’s being wrought upon by
‘ any influences to defeat the judgment given in full
‘ Parliament, with the concurrence of both houses,
‘ against the highest offenders; which must inevita-
‘ bly create the greatest jealousy, and cause the
‘ highest dissatisfactions between the crown and the
‘ people: For this reason, he took it to be the
‘ greatest advantage to the crown, that the consti-
‘ tution of the kingdom had not, as he thought,
‘ invested it with any such power; and, on the other
‘ side, it would clearly appear, that such a power
‘ was utterly inconsistent with the fundamental rights
‘ of Parliament. That he owned he was surprized
‘ to hear, that any such distinction should be start-
‘ ed at this time: But if the law was as he appre-
‘ hended it to be, it was the strongest reason for the
‘ Commons to interpose in this prosecution, to de-
‘ fend the crown from the many importunities to
‘ which it would be subject in the ordinary course
‘ of justice; and that the weight of the prosecution,

and he thought it not warranted by the law; and

‘ and the consequences of it, should be borne by
‘ the Commons, as it ought to be in a case so na-
‘ tional as this.

‘ That if Gentlemen wanted any other mo-
‘ tives to induce them to make this prosecution
‘ their own, he had a paper in his hand,
‘ which would fire the thoughts of every Gentle-
‘ man there, meaning the Pretender’s declaration :
‘ That no body could read, without the utmost in-
‘ dignation, the personal indignities that were there-
‘ in cast upon the best of Princes, whose title to the
‘ crown, they were bound by all the ties of duty,
‘ affection, and interest, to maintain. That the
‘ house could do no less than resent this so far,
‘ as to make themselves the prosecutors of those
‘ who avowed this cause of the Pretender, and set
‘ themselves at the head of armies, in the heart of
‘ the King’s dominions. That in this paper, the
‘ house would see how they were treated themselves :
‘ That they were represented as the most illegal and
‘ infamous assembly of men that ever met together.
‘ That these considerations ought in justice to ani-
‘ mate and invigorate their proceedings in every re-
‘ spect, till the inveteracy and insolence of the ene-
‘ my were entirely subdued : That he did not think
‘ that the proceedings of this house ought, in any
‘ case, to be governed by vindictive considerations,
‘ but by such circumstances only, as from their real
‘ weight and consequence called for the interposition
‘ of the Commons : That he was sensible that the
‘ Commons had a great work upon their hands,
‘ upon other impeachments, which they had thought
‘ fit to enter upon, and which were still depending ;
‘ that he knew also what situation these impeach-
‘ ments were in ; and hoped they would be resum-
‘ ed and carried on, in due season, with the same
‘ vigour with which they were undertaken : That
‘ he likewise believed, that the nation expected
‘ that their enquiries upon that head should be ex-

‘ tended, and appear to be impartial, it not being
 ‘ possible that a greater dishonour could be brought,
 ‘ or an heavier imputation cast upon the proceed-
 ‘ ings of that house, than that of partiality, which
 ‘ could not fail to sink their credit, and to prevent
 ‘ all the good effects that were hoped and expected
 ‘ from them : However, he concluded, that every
 ‘ Gentleman would agree with him, that the pre-
 ‘ sent situation and conjuncture of affairs made it
 ‘ necessary to give the preference to those Lords
 ‘ who had been taken in open rebellion : And
 ‘ thereupon he impeached *James Earl of Derwent-*
 ‘ *water* of high-treason ; which impeachment he
 ‘ undertook to make good.’

Upon this, the house resolved to impeach the
 said Earl of high treason ; as they did likewise,
 upon the motions severally made by Mr. *Pultney*,
 Mr. *Boscawen*, Mr. *Hampden*, the Lord *Finch*, the
 Earl of *Hertford*, and Mr. *Worley*, to impeach of
 the same crime *William Lord Widdrington*, *William*
Earl of Nitbisdale, *George Earl of Wintoun*, *Robert*
Earl of Carnwath, *William Viscount Kenmure*, and
William Lord Nairn. Then Mr. *Leckmere*, and
 the other six members, in pursuance to the com-
 mands of the house, carried up an impeachment to
 the bar of the house of Lords, which was conceiv-
 ed in the words following, viz.

My Lords,

THE Commons of Great-Britain in Parliament as-
 sembled, having received information of divers trea-
 sons committed by a great Peer of this house, *James*
Earl of Derwentwater, have commanded me to im-
 peach the said *James Earl of Derwentwater* of high
 treason : And I do here, in their names, and in the
 names of all the Commons of Great-Britain, impeach
 the said *James Earl of Derwentwater* of high-treason.

And

And I am farther commanded by the house of Commons, to acquaint your Lordships, that they will, with all convenient speed, exhibit articles to make good the charge against him.

The other six impeachments were in the same form, but with this difference, that the epithet of *great* was given only to the Earl of *Derwentwater* and the Lord *Widdrington*, who were Peers of *England*; and the title of *a Peer of this realm* to each of the five others, who were Peers of *Scotland*.

The seven impeaching members being returned to the house, and having reported what they had done, a Committee was appointed, (of which Mr. *Lechmere* was chairman) and ordered to withdraw immediately into the Speaker's chamber, to draw up articles of impeachment against the seven impeached Lords.

These articles, with all the proceedings in prosecution of them, being in most peoples hands, and the issue of them well known to every body, it will probably be agreeable to the generality of our readers, that we have passed this matter over, and proceed to an affair, in the determination of which, the wisest and greatest men of the nation disagreed, and which has been the subject of much political dispute ever since. What I mean is, *the debate concerning the triennial act*.

The act for preventing the continuance of the same Parliament for a longer term than three years, commonly called the *triennial act*, was passed in the late King *William's* reign; and had continued in force till now, without any attempt to repeal it. But the prevailing disaffection to the present government, which appeared among the populace during the late rebellion, and for some time before, gave those a very plausible pretence for repealing it, who would otherwise have scarcely had the hardiness to propose

propose a thing so exceedingly unpopular, especially among the *Whigs*.

A motion in the house of Lords for repealing the triennial act.

Duke of Devonshire's speech.

On the 10th of *April*, the Duke of *Devonshire* made a speech in the house of Lords, in which he represented the inconveniencies that attend the triennial elections of members of Parliament; particularly, 'that they serve only to keep up party-divisions, and to raise and foment feuds and animosities in private families: That besides, they occasion ruinous expences, and give a handle to the cabals and intrigues of foreign Princes: That therefore it was becoming of the wisdom of that august assembly, to apply a proper remedy to an evil which might be attended with the most dangerous consequences, especially in the present temper of the nation; for though the rebellion was happily suppressed, yet the spirit of it remained unconquered, and seemed only to wait for an opportunity to shew itself with more violence: That the election of a new Parliament, which by the triennial act was not far off, being the most favourable juncture which the disaffected could expect, he thought it absolutely necessary to deprive them of it: For which purpose, he had a bill to offer to the house, for enlarging the continuance of Parliaments; and at the same time he moved it might be read.' He was seconded by the Earl of *Rockingham*, and backed by the Duke of *Argyle*, the Earl of *Dorset*, the Lord *Townshend*, &c. The Duke of *Buckingham*, the Lord *Trevor*, the Earls of *Nottingham* and *Aylesford*, and several other Peers, though they did not directly oppose the bill, yet they made long speeches for putting off the reading of it to another time: They did not deny, but that every member of that house had the privilege of offering what bill he thought fit; but that the house was likewise at liberty either to read it or not, as they thought convenient; and that the matter which

the

the Duke of *Devonshire* had proposed, was of so high a nature, that it will deserve to be maturely weighed and considered, before there were any debates upon it; and therefore they moved, that the bill might lie some days upon the table, before the first reading. The Lords who were for reading it presently, answered them, that it was far from their thoughts to offer at the carrying any thing by surprize: That by the ordinary method of proceeding, every member had sufficient time to weigh and consider what was offered to the house. And the Earl of *Dorset* proposed, That after the bill had been once read, the second reading should be put off to the *Saturday* following; to which the whole house agreed. Accordingly it was then read the first time, and is as follows:

An ACT for enlarging the time for continuance of Parliaments, appointed by an act made in the 6th year of the reign of King William and Queen Mary, intituled, An act for the frequent meeting of Parliaments.

WHEREAS in and by an act of Parliament made in the 6th year of the reign of their late Majesties King *William* and Queen *Mary*, of ever blessed memory, intituled, *An act for the frequent meeting and calling of Parliaments*, it was, among other things, enacted, *That from thenceforth no Parliament whatsoever, that should at any time then after be called, assembled, or held, should have any continuance longer than for three years only at the farthest, to be accounted from the day on which, by the writ of summons, the said Parliament should be appointed to meet*: And whereas it hath been found, by experience, that the said clause hath proved very grievous and burthenome, by occasioning

sioning much greater and more continued expences, in order to elections of members to serve in Parliament, and more violent and lasting heats and animosities among the subjects of this realm, than were ever known before the said clause was enacted; and the said provision, if it should continue, may probably, at this juncture, when a restless and Popish faction are designing and endeavouring to renew the rebellion within this kingdom, and an invasion from abroad, be destructive to the peace and security of the government: *Be it enacted* by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and ~~also~~ in Parliament assembled, and by the authority of the same, that this present parliament, and all Parliaments that shall at any time hereafter be called, assembled, or held, shall and may respectively have continuance for _____ years and no longer, to be accounted from the day on which, by the writ of summons, this present Parliament hath been, or any future Parliaments shall be appointed to meet, unless this present, or any such Parliament hereafter to be summoned, shall be sooner dissolved by his Majesty, his heirs, or successors.

This bill being, according to order, read a second time on the 14th of *April*, the Lord Chancellor put the question, Whether it should be committed? upon which, there arose a warm debate, which lasted from about two till seven in the afternoon: The speakers against, and for the bill, were as follows.

Against the bill:

Earl of *Abingdon*.

Earl of *Poulet*.

Lord *Trevor*.

For the bill:

Duke of *Kingston*.

Earl of *Dorset*.

Lord *Carteret*.

Duke

Duke of Buckingham.	Earl of Cholmondeley.
Lord Foley.	Duke of Newcastle.
Earl of Aylesford.	Earl of Ilay.
Earl of Peterborough.	Duke of Argyle.
Earl of Nottingham.	Lord Parker.
Duke of Shrewsbury.	Lord Cowper.
Earl of Aylesford.	
Bishop of London.	
Earl of Anglesey.	
Duke of Buckingham.	

The first noble Peer who spoke against the bill, said, 'That it was of a very extraordinary nature, since it repealed the triennial act, which the people justly looked upon as the great security of their rights and liberties; and if it passed this house and the Commons agreed to it, it would, on their part, be a breach of that trust which was reposed in them by those whom they represented.' The latter part of this assertion was denied by the Duke that spoke next, who urged, 'That the business of the legislature was to rectify old laws, as well as to make new ones.' The Peer who spoke next was against the bill, and declared, 'That he would have been for it, if he thought it for the King's service and interest; but that before they went any farther in so important an affair, some methods should be used to know the sentiments of the nation.' His Lordship urged, 'That this bill shewed a distrust of the affections of the people, without which, no King can be either safe or easy: That King *William* gained the hearts of his subjects by the triennial act; and it would look somewhat strange, that the most popular of our laws should be repealed a year after the protestant succession took place.' After this, he endeavoured to answer what was suggested in support of this bill, *viz.* 1st, That the frequent elections occasion ruinous

ruinous expences; *2dly*, That they raise a great ferment, and foment animosities, which are of the most dangerous consequence after the late rebellion; and *3dly*, That they obstruct foreign alliances. He said, ' That no stress ought to be laid on the first of those objections, expences at elections being voluntary: That as to the second, he was sorry there had been a rebellion, but that now it was happily suppressed: And as to the third suggestion, that that was of no weight with him, it being his opinion, that in a matter which so nearly concerns our constitution, we ought to have regard to our selves only, and not to foreigners; upon all which considerations, he was against the committing of this bill.' A noble Earl spoke next, and said, among other things, ' That they who now spoke against this bill, would be for it, if it served their turn: That the triennial act was a new law, and an alteration of the old constitution: That the experience of twenty years having shewn a thousand inconveniencies that attend that law, they ought to apply a remedy to it: That the said law sowed the seeds of corruption, it being notorious, that great numbers of persons had no other livelihood, than by being employed in bribing corporations: That we had lately made a sad experience of it, since, by those methods, a Parliament was procured by the last Ministry, which gave sanction to most of their ill measures, and went near to give up the trade and liberties of the nation: That triennial elections destroy all family interest, and subject our excellent constitution to the caprice of the multitude; and, in short, that by triennial elections, we have but a triennial government, which is little better than no government at all: For which reasons he was for this bill.' Then a Peer who was against the bill, declared, ' That he had no manner of prejudice to those who brought

it

' it in: That, on the contrary, he had all the ho-
 ' nour and respect for that noble Peer who offered
 ' it to the house; being satisfied, that he thought
 ' it to be for the interest of his King and Country.
 ' That as for his own part, all he aimed at, was,
 ' the preservation of our excellent constitution, and
 ' that the crown may sit easy upon the King's head,
 ' and be for ever secured to his royal family, for
 ' whom he professed the sincerest affection: That
 ' the question now lying before them, was, Whe-
 ' ther the law they were going to make, tended to
 ' the good or prejudice of the constitution? That
 ' he himself looked upon the triennial act as an es-
 ' sential part of our ancient constitution, according
 ' to which, frequent and even annual Parliaments
 ' were to be held: That he could easily prove, that
 ' long Parliaments were always pernicious: That
 ' when King *Charles I.* had given up his prerogative
 ' of dissolving Parliaments, in 1640, he gave him-
 ' self up into the hands of traitors, and had nothing
 ' but destruction to expect from them: That after
 ' the restoration, King *Charles II.* that very good
 ' Prince, found the inconveniencies of a long Par-
 ' liament: That as soon as the nation had oppor-
 ' tunity, by the revolution, to assert their just
 ' rights and liberties, the triennial act was insisted
 ' on, and gained, at last, with a great deal of op-
 ' position: That there were very good and cogent
 ' reasons for making this law, *viz.* To support the
 ' constitution; to prevent encroachments, either of
 ' Parliaments on the crown, or of the crown on
 ' the rights and liberties of the people; and to cor-
 ' rect abuses and exorbitances committed through
 ' the ambition and avarice of Ministers: That he
 ' would not be thought to reflect on the present
 ' administration; but, that, in his opinion, fre-
 ' quent elections were a necessary right of the sub-
 ' ject to remedy abuses; That for his own part,
 ' he

‘ he had ever been against the bill for limiting the
‘ number of officers in the house of Commons; but
‘ if the triennial act were repealed, he thought that
‘ bill would become very necessary, because the long
‘ sitting of Parliaments would give the crown both
‘ an opportunity and temptation to multiply the
‘ number of officers: That some reflections had been
‘ cast on the last Parliament; but, that in his opi-
‘ nion, that Parliament was chosen by the same
‘ method as the present was, *viz.* by great ex-
‘ pences: That he owned this to be a great abuse;
‘ but that laws might be made to rectify the same:
‘ That if this bill passed, how could any member
‘ of the other house expect to preserve his interest
‘ with those who chose him, when this bill would
‘ certainly be interpreted both a violation of their
‘ right, and a breach of the trust reposed in him?
‘ That if this house of Commons continued them-
‘ selves beyond the time for which they were chosen,
‘ they were no more the representatives of the peo-
‘ ple, but a house of their own making: That he
‘ was sorry there were discontents in the country;
‘ but that he apprehended this bill would rather in-
‘ crease than abate them. He owned, that the ma-
‘ jority of this house of Commons were honest Gen-
‘ tlemen, who had the interest of their King and
‘ country at heart; but that, in his opinion, those
‘ who went before them, did not come short of
‘ them in point of duty and affection to his Ma-
‘ jesty; for it was they who established the King
‘ on his throne, and settled his revenue with all the
‘ chearfulness imaginable. Concluding, that what
‘ he had suggested, flowed from the dread of the ill
‘ consequences of this bill, which might rise to such
‘ a height, as to render the crown uneasy to his
‘ Majesty; and that he owed so much to the pro-
‘ testant succession, that if he could believe this bill
‘ to be of any service to the King and his royal fa-
‘ mily,

‘mily, he would be entirely for it; but that as he
 ‘was of a quite contrary opinion, he would not
 ‘have a bill, obtained in the best of reigns, repeal-
 ‘ed in the first year of this protestant reign; and
 ‘therefore he was against the committing of this
 ‘bill.’ The next who spoke, owned, ‘That fre-
 ‘quent Parliaments are a great security of the
 ‘peoples rights and liberties;’ but then he observ-
 ‘ed, ‘That this bill was not against frequent ses-
 ‘sions, but only against frequent elections: That
 ‘they ought maturely to weigh and consider what
 ‘was suggested in the preamble to this bill, viz.
 ‘That there is a restless popish faction designing
 ‘and endeavouring to renew the rebellion within
 ‘this kingdom. To this purpose, his Lordship ob-
 ‘served, That of all rebellions, this last was the
 ‘most monstrous and unnatural; for all other re-
 ‘bellions were carried on under pretences of liber-
 ‘ty, whereas this last was a rebellion for slavery:
 ‘That as to our allies abroad, though he could not
 ‘say, that they expected this bill, yet it was rea-
 ‘sonable to suppose, that they would be glad to
 ‘see it pass into a law; for having found, by sad
 ‘experience, that great changes may be made in
 ‘the best concerted measures, by different Parlia-
 ‘ments, influenced by different Ministries; so, if
 ‘they had not some security for the treaties his
 ‘Majesty was now entering into with them, a strong
 ‘tide might come, upon a new election, that
 ‘might overturn all. That, in short, this bill
 ‘would fix the King, and the present happy set-
 ‘tlement, on a lasting foundation; and therefore he
 ‘was for committing it.’

After this, a noble Duke stood up, and in the
 first place declared, as a Lord of the same side had
 done before, ‘That he would not be against this
 ‘bill, if he thought it for the King’s interest and
 ‘service; but that he was afraid the crown would

' be the worse for it : That the triennial act might,
 ' indeed, be subject to some inconveniencies ; but
 ' that the best things are not exempt from them :
 ' That means should be found out, and pursued, to
 ' remedy those inconveniencies ; but instead of that,
 ' they now were going to repeal a good law, and
 ' alter the constitution. *Pray, my Lords,* said his
 ' Grace, *consider what you are doing ! Why, to pre-*
 ' *vent robbing on the highway, you forbid travel-*
 ' *ling. — If a man breaks his leg, shall a surgeon*
 ' *tell him he must be fluxed, and alter his constitution ?*
 ' He owned, That there was a great ferment in
 ' the nation, and he was very sorry for it ; but that
 ' he thought this bill a very improper remedy for
 ' it. And he remembered it had been said in their
 ' house, that it would never be well in *England* till
 ' there were annual Parliaments : That King *Wil-*
 ' *liam*, who was a wise Prince, made himself and
 ' his people easy by the triennial act : And he was
 ' afraid the bill now in question, would have a quite
 ' contrary effect ; and therefore he was against it at
 ' this time, whatever he might be at another juncture :
 ' That, in his opinion, the late rebellion was not a
 ' sufficient reason for repealing the triennial act :
 ' That the rebels were rash, inconsiderate men,
 ' who either had, or were to pay dear for their
 ' rashness and folly ; but that both they and their
 ' friends were inconsiderable : That they, perhaps,
 ' might whisper discontent and treason in corners ;
 ' but that, he hoped, it was not, nor ever would
 ' be, in their power to do harm. So that upon the
 ' whole matter, he was against the bill.

Hereupon, a noble Earl said, ' That he did not
 ' design to compliment any one in power, either
 ' now or in time to come, but that he would free-
 ' ly speak his sentiments, according to the dictates
 ' of his reason and conscience : That he made no
 ' doubt, but that the legislature is vested with a su-
 ' preme

preme power to rectify any inconveniencies to which any former law may, by experience, be found to be subject; and this being the case of the triennial act, they ought to remedy the same: That what had been suggested in relation to the long Parliament in King *Charles* the II^d's reign, was, in his opinion, rather an argument for, than against this bill: For though, in that Parliament, the King had many pensioners, who at first, complimented him with money, yet, at last, when the interest of the nation came to be at stake, they voted for a war with *France*, and prosecuted the *popish* plot with the utmost vigour: That they had lately seen what a corrupt Parliament may do, and by what means such a Parliament may be got: And every one might guess how there came to be a debt of 500,000 *l.* upon the civil list: That he did not mention this to irritate against persons, but against things: That, in his opinion, there was no better remedy against corruptions, than the suppressing frequent elections; which on the other hand, occasion lasting feuds and animosities in families: That he thought this bill the more necessary, because our allies will thereby have a security, that they shall not again be left in the lurch: And, that in consideration of the great benefits that will accrue from it both at home and abroad, he was for committing it. He was answered by a Lord of the contrary side, who principally enlarged on the excellence of our constitution; he took notice, that the different branches of the legislature are a check to one another, which prevents exorbitance in the administration, and dragooning, as in *Turkey*, and other arbitrary governments. He suggested, that the pensionary Parliament made King *Charles* II uneasy, by making him neglect the affections of his people; and concluded, he was afraid that the repealing

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the

‘ the triennial act would have the same effect ; and
 ‘ therefore he was against it.’

To this a noble Duke answered, ‘ That it had
 ‘ already been rightly observed, that though the
 ‘ long Parliament of King *Charles II*, at first com-
 ‘ plimented that Prince, yet they afterwards vi-
 ‘ gorously opposed destructive measures, and insist-
 ‘ ed on a war with *France*. Then passing over less
 ‘ material objections, he urged, that the present
 ‘ happy settlement could not be maintained, with-
 ‘ out taking away the seeds of corruption : That no
 ‘ cause ever miscarried in so many instances as that
 ‘ of the rebels ; but that notwithstanding their de-
 ‘ feat at *Preston* and *Dumblain*, their being driven
 ‘ out of *Scotland*, with their King at their head ;
 ‘ their disappointments in other parts, and the ex-
 ‘ ecution of some of their leaders, the *Jacobites* were
 ‘ as insolent as ever : That this was the reason why,
 ‘ in a late debate in this house, he was against le-
 ‘ nity ; and the rather, because no Prince was ever
 ‘ more naturally inclined to mercy, than his pre-
 ‘ sent Majesty : For no Prince ever had so many
 ‘ rebels in his power, and never were so few pu-
 ‘ nished. My Lords, said he, you must now
 ‘ strengthen yourselves, and disarm your enemies.
 ‘ It is not to be doubted, but the late unnatural and
 ‘ monstrous rebellion was raised and fomented by
 ‘ large contributions of a restless *popish* faction :
 ‘ The same means, my Lords, will be used to re-
 ‘ new the rebellion, as soon as a proper opportu-
 ‘ nity offers. Their emissaries are busy every where
 ‘ to keep up the spirits of the people for a year
 ‘ longer, and then they hope to retrieve all by a
 ‘ new election. He concluded, that though the al-
 ‘ lies would not make any thing done among us,
 ‘ an article of their treaties ; yet having the sad
 ‘ experience of being left in the lurch, they would
 ‘ certainly enter into alliances with us with more
 ‘ confidence,

‘ confidence, if they saw that our government was
‘ not precarious : Upon all which considerations,
‘ he declared himself for the bill.’

A noble Earl standing up next, professed, in the
first place, ‘ That he did not entertain the least
‘ prejudice against this bill, on account of those who
‘ brought it in : For when matters of so great im-
‘ portance came under deliberation, he had no man-
‘ ner of regard to any denomination of parties :
‘ That he had so great an affection for his Majesty,
‘ that if he thought it to be any ways for his Ma-
‘ jesty’s service, he would readily be for it ; but
‘ that, in his opinion, this bill was not for the ser-
‘ vice either of the King or country, whose in-
‘ terests he looked upon as inseparable.’ He urged
among other things, ‘ That it was objected against
‘ the triennial act, that frequent elections occasion
‘ ruinous expences, and create feuds and animos-
‘ ities ; but that these objections were not of suf-
‘ ficient weight with him, to induce him to give his
‘ vote for the repealing of so good a law : That it
‘ could not be denied, that a great deal of money
‘ is expended in elections ; but the candidates may
‘ chuse whether they will spend any or no : That
‘ it may likewise be granted, that those expences
‘ lay the foundation of corruption ; and that those
‘ who make them, are in hopes to get either places
‘ or pensions : But that, by the triennial act, the
‘ country has an opportunity to remedy any abuses
‘ that may be committed by any of their repre-
‘ sentatives, who, to make good their expences at
‘ elections, should yield to the temptation of a place
‘ or pension, to sacrifice their votes in Parliament ;
‘ whereas, on the contrary, this bill would esta-
‘ blish a grievance, and take away a remedy : That
‘ as the triennial act gained the affections of the
‘ people, it was to be feared that the repealing of
‘ it would have a contrary effect : That what had

' been suggested about foreign allies, was, in his
 ' opinion, no proper argument for this bill; our
 ' constitution, which ought to be altogether inde-
 ' pendent on foreigners, being solely to be consider-
 ' ed in this debate: As to what had been alledged
 ' concerning the disaffection of many of his Ma-
 ' jesty's subjects, he said, he was sorry to hear the
 ' last Parliament unjustly reflected upon; since no
 ' house of Commons could be more forward than
 ' they, in shewing their affection to his Majesty;
 ' and they not only readily settled his revenue, but
 ' enacted a reward of 100,000 *l.* for the apprehend-
 ' ing of the *Pretender* to his crown: That when his
 ' Majesty came to take possession of his throne, he
 ' was received with the general acclamations of the
 ' people: That he would not pretend to enter into
 ' the reasons of the present disaffection; but yet he
 ' would venture to say, that it had been easy for
 ' the King, upon his coming over, to have united
 ' the whole kingdom: That he wished there had
 ' been no mistake in those who would appear to be
 ' the King's best friends. Be that as it would, it
 ' was his opinion, that this bill would not procure
 ' that good agreement between King and country,
 ' which they who brought it in seemed to have in
 ' view; but, on the contrary, might end in the
 ' destruction of those who advised it, and prove
 ' mischievous both to the King and his people, as
 ' tending to create disunion between them: That
 ' he hoped the ferment was not so great as it was
 ' represented; and besides, no man could say, that
 ' two years hence the people would be in the same ill
 ' humour, as they were said to be in at present:
 ' Upon all which reasons, he was against this bill.'

This speech was answered by a *Northern Peer*;
 who ushered in his discourse, by saying, ' That so
 ' much had already been said, that there was but
 ' little room for him to speak; But however, he

begged.

‘ begged leave to offer some few thoughts of his
 ‘ own upon the important matter that was under
 ‘ consideration : ’ Then pursuing the chief reasons
 on which this bill was grounded, he urged, among
 other things, ‘ That it is certain frequent elections
 ‘ occasion ruinous expences ; and that it is no less
 ‘ true, that ruinous expences beget, of course, cor-
 ‘ ruptions : For when Gentlemen have laid out their
 ‘ estates in elections, they must exert their industry
 ‘ to find out some means to make themselves a-
 ‘ mends : That besides this evil, frequent elections
 ‘ are a great occasion of vice, debauchery, and de-
 ‘ cay of trade : That notwithstanding whatever had
 ‘ been suggested against long Parliaments, it was
 ‘ undeniable, that the constitution was safe under a
 ‘ Parliament of seventeen years continuance, in
 ‘ King *Charles* the II^d’s reign : That, on the con-
 ‘ trary, it was certain, that frequent elections oc-
 ‘ casion great heats, and even implacable feuds and
 ‘ divisions between father and son, husband and
 ‘ wife, brother and sister : That, on these occasions,
 ‘ when party-healths go round, the naming of one
 ‘ General before another, often produces a bloody
 ‘ quarrel ; and, which is far worse, the sacred
 ‘ name of the Church is impiously prophaned in the
 ‘ streets, and commonly joined with treason.’ After
 this, he made some remarks on our ancient con-
 stitution, in relation to Parliaments ; and in parti-
 cular, ‘ took notice of the great change which, in
 ‘ process of time, has happened in the qualification
 ‘ of the electors, by the increase and plenty of silver
 ‘ and gold species in *Europe* : For forty shillings a
 ‘ year in freehold, which qualifies a man to vote in
 ‘ elections, was formerly as good as forty pounds is
 ‘ at present ; so that formerly the electors were either
 ‘ Gentlemen or men of substance, whereas now the
 ‘ majority of them are of the dregs of the people,
 ‘ and therefore more subject to corruption : From

‘ all which he inferred, that frequent elections render
 ‘ our government dependent on the caprice of the
 ‘ multitude, and very precarious. He also took no-
 ‘ tice, that if the heats were increased since the King’s
 ‘ accession to the crown, it was chiefly because some
 ‘ persons who had a great opinion of their own merit,
 ‘ were not in office ; which gave him an opportunity
 ‘ to vindicate his Majesty as to the distribution of his
 ‘ favours, and the rewarding those, who in the worst
 ‘ of times, had shewn their zeal for his succession,
 ‘ and, during the late rebellion, ventured their lives
 ‘ for his Majesty’s service.’ Upon the whole matter,
 his Lordship was for committing the bill.

The Earl of *Peterborough* spoke next, and said,
 ‘ That whether he was in employment or no, he
 ‘ still had an entire affection for the King ; and
 ‘ wished he could give his vote for this bill : *But
 ‘ that he would not be for a remedy that might
 ‘ cause a greater evil. As to what had been sug-
 ‘ gested in favour of those who ventured their lives
 ‘ to serve the government, he observed, that men
 ‘ who cannot fight for a cause, cannot die for it.’
 He afterwards, amongst other things, said, ‘ That
 ‘ if this present Parliament continued beyond the
 ‘ time for which they were chosen, he knew not
 ‘ how to express the manner of their existence, un-
 ‘ less, begging leave of that venerable bench, (turn-
 ‘ ing to the Bishops) they had recourse to the dis-
 ‘ tinction used in the *Athanasian* creed, for they would
 ‘ be neither created, nor made, but proceeding, &c.’

A noble Earl spoke next, on the same side ; and
 having made large professions of duty and affection
 to the King, said, ‘ That he was against this bill,
 ‘ because he thought it would rather exasperate than
 ‘ quiet the minds of the people. That this bill
 ‘ shewed a distrust of the affections of the people,
 ‘ and an intention of governing by fear ; which,
 ‘ in his opinion, was the worst way of govern-
 ‘ ment :

ment: And God forbid his Majesty should have
no prospect of gaining the affections of his subjects. That the King came in universally beloved, and was received with the general acclamations of his people; and though he could not assign the true cause of the present dissatisfaction, yet some secret cause must have been given for it. That he hoped the peoples dissatisfaction, was not so great as it was represented. That the rebellion was entirely suppressed, and at an end; but if any ferment yet remained, this bill was a very improper way to allay it, and would rather rivet the disaffected in their prejudices against the government, then make them change their opinion. That one of the arguments used for this bill, was, that it would encourage foreign Princes and States to enter into alliances with us; but that, in his opinion, the same might have a contrary effect; for foreign Potentates may be deterred from entering into measures with us, when they shall be informed, by the preamble to this bill, that the popish faction is so dangerous, as that it may be destructive to the peace and security of the government; and may apprehend from this bill, that the government is so weak, as to want so extraordinary a provision for its safety; which seems to imply, that the Gentlemen of *Britain* are not to be trusted in a new election; and that the good affections of the people are restrained to so small a number as that of which the present house of Commons consists. He urged, That frequent and new Parliaments are required by the fundamental constitution of the kingdom; and that the practice thereof for many ages was sufficient evidence of this constitution. That this bill was so far from preventing corruptions, that it would rather increase them; for the longer a Parliament is to last, the more valuable to be purchased

' chased is a station in it, and the greater also is
 ' the danger of corrupting the members of it.
 ' That whatever reasons there may be to continue
 ' this Parliament for seven years, will be at least
 ' as strong, and, by the conduct of the Ministry,
 ' may be made much stronger, before the end of
 ' seven years, for continuing it still longer, and
 ' even to perpetuate it, which would be an absolute
 ' subversion of the third estate of the realm.' He
 then hinted at the danger of enlarging the prerogative, and instanced in the precedent of King Henry VIII, who persuaded his Parliament to give him the abbey-lands, under pretence that they would bear part of his expences, which would ease them of taxes, and improve trade; but that soon after he demanded and obtained great subsidies, and made use of those lands to enslave the nation.

The Peer who answered him, said, ' That he
 ' could by no means agree with the noble Lord that
 ' spoke last, either as to the beginning or end of
 ' the rebellion. That it had been suggested, that
 ' the King had been received with the general acclamations of his people: But that it was certain, and has since manifestly appeared, that
 ' whatever arts were used by the last Ministry to
 ' blind and deceive the people, designs had been
 ' laid to bring in the *Pretender* long before the
 ' King's happy accession to the throne. That the
 ' disappointment of these designs were entirely owing to providence; for had the conspirators
 ' thrown off the mask sooner, and improved the
 ' ferment their emissaries had raised in the nation
 ' at the election of the last Parliament, it is very
 ' probable their wicked schemes for setting aside the
 ' protestant succession, had taken place. That he
 ' wondered therefore that any Lord could be
 ' puzzled to find out the cause of the present disaffection; for it was plain it proceeded from the
 ' false

‘ false representations of Things and persons that
 ‘ were industriously spread abroad, both before and
 ‘ since his Majesty’s coming in.’ As to what has
 been suggested, that the rebellion was at an end,
 he observed, ‘ That the rebels had only shifted their
 ‘ head quarters from *Perth* to *Paris*, or *St. Ger-*
 ‘ *mains*; but that their emissaries were still as busy
 ‘ and insolent as ever in *Great-Britain*, and wanted
 ‘ only an opportunity to renew the rebellion, and
 ‘ favour an invasion.’ As to what had been hinted,
 that this bill would rivet the *Jacobites* in their opi-
 nions, he said, ‘ That was no good argument a-
 ‘ gainst it, for he had seen some persons often shift
 ‘ sides, and change their opinions, and be very
 ‘ zealous for both.’ The Earl who spoke before
 his Grace taking this reflection to himself, readily
 owned, ‘ That he was for some time against the
 ‘ abjuration-oath, because he thought a multiplicity
 ‘ of oaths would make the nation unsafe; but that
 ‘ as soon as he was convinced of the necessity of that
 ‘ oath, he readily came into it.’ His Grace there-
 upon stood up, and said, ‘ He was sorry that noble
 ‘ Lord took to himself what he said only in general.’

The two Lords that spoke next, declared them-
 selves, the first of them for, the other against the
 bill, and then the Lord Chancellor recapitulated the
 arguments that had been urged on either side; gave
 a genuine account of the triennial act, and by what
 means it was obtained; and vindicated the King
 and government, as to the present dissatisfaction;
 appealing to the Lords and Commons, whether the
 least provocation had been given either by his Ma-
 jesty or his Ministers; and asserting, ‘ That if there
 ‘ was any fault on the King’s side, ’twas too much
 ‘ lenity; and that the only crime that could be
 ‘ charged on his Ministers, were their zeal and vi-
 ‘ gilance in defence of his Majesty’s person and
 ‘ government.’ Then an Earl, who had spoken
 before,

before, having answered part of my Lord Chancellor's speech, a spiritual Peer said, ' That when he came to the house, he knew not which way he should give his vote, and hoped to be guided and determined by what should be offered on both sides, on this important subject : But now he owned he was confounded between dangers and inconveniencies on one side, and destruction on the other.' A noble Earl spoke next, with a great deal of vehemence against the bill ; and a Duke, who had spoken before, closed the debate, with saying, ' That he was for the bill, but did not think it seasonable.' At length, after a debate that had lasted five hours, the question that the bill be committed, being put, it was carried in the affirmative by 35 votes.

YEAS { Present 77 } 96
 { Proxies 19 }

NOES { Present 43 } 61
 { Proxies 18 }

Protest of
 the Lords
 against re-
 pealing the
 triennial act.

And so the bill was committed to a Committee of the house, for *Monday* the 16th of *April* ; but thirty Lords entered the following protest.

Die Sabbati 14^o Aprilis.

Hodie 2da vice lecta est billa, intit. *An act for enlarging the time of continuance of Parliaments appointed by an act made in the sixth year of the reign of King William and Queen Mary, intituled, An act for the frequent meeting and calling of Parliaments.*

And it being proposed to commit the bill, after long debate thereupon, the question was put, whether

ther the said bill shall be committed, and it was resolved in the affirmative.

Dissentient

1. Because we conceive that frequent and new Parliaments are required by the fundamental constitution of the kingdom; and the practice thereof for many ages, (which manifestly appear by our records) is a sufficient evidence and proof of this constitution.

2. Because it is agreed, That the house of Commons must be chosen by the people; and when so chosen, they are truly the representatives of the people; which they cannot so properly be said to be, when continued for a longer time than that for which they were chosen; for after that time, they are chosen by the Parliament, and not by the people, who are thereby deprived of the only remedy which they have against those who either do not understand, or through corruption do wilfully betray the trust reposed in them; which remedy is to chuse better men in their places.

3. Because the reasons given for this bill, we conceive, were not sufficient to induce us to pass it, in subversion of so essential a part of our constitution.

1. For as to the argument that this will encourage the Princes and States of *Europe* to enter into alliances with us, we have not heard any one Minister assert, that any one Prince or State has asked, or so much as insinuated, that they wished such an alteration.

Nor is it reasonable to imagine it; for it cannot be expected that any Prince or State can rely upon a people to defend their liberties and interests, who shall be thought to have given up so great a part of their

their own; nor can it be prudent for them to wish such an experiment, after the experience that *Europe* has had of the great things this nation has done for them under the constitution, which is to be altered by this bill.

But, on the other hand, they may be deterred from entering into measures with us, when they shall be informed by the preamble of this bill, that the Popish faction is so dangerous, as that it may be destructive to the peace and security of the government; and may apprehend from this bill, that the government is so weak as to want so extraordinary a provision for its safety; which seems to imply, that the gentlemen of *Britain* are not to be trusted or relied upon; and that the good affections of the people are restrained to so small a number as that of which the present house of Commons consists.

2. We conceive this bill is so far from preventing expences and corruptions, that it will rather increase them; for the longer a Parliament is to last, the more valuable to be purchased is a station in it, and the greater also is the danger of corrupting the members of it: For if there should be a ministry who shall want a Parliament to screen them from the just resentment of the people, or from a discovery of their ill practices to the King, who cannot otherwise, or so truly be informed of them, as by a free Parliament, 'tis so much the interest of such a ministry to influence the elections, (which by their authority, and the disposal of the public money, they of all others have the best means of doing) that 'tis to be feared they will be tempted, and not fail to make use of them; and even when the members are chosen, they have a greater opportunity of inducing very many to comply with them, than they could have, if not only the sessions of Parliament,

but

but the Parliament itself, were reduced to the ancient and primitive constitution and practice of frequent and new Parliaments; for a good ministry will neither practise nor need corruption, so it cannot be any Lord's intent to provide for the security of a bad one.

3. We conceive that whatsoever reasons may induce the Lords to pass this bill to continue this Parliament for seven years, will be at least as strong, and may, by the conduct of the ministry, be made much stronger before the end of seven years, for continuing it yet still longer, and even to perpetuate it, which would be an express and absolute subversion of the third estate of the realm.

Somerset, Shrewsbury, Anglesey, Osborne, Compton, Bristol, Tadcaster, Nottingham, Abingdon, Guilford, Aylesford, Foley, Ashburnham, Mansel, Gower, Batburst, Weston, Bruce, Willoughby de Broke, Powlet, Dartmouth, Bingley, Strafford, Trevor, Montjoy, Northampton, Fr. Roffen, P. Hereford, Fr. Cestriens. Salisbury.

April 16, The house of Lords in a Committee of the whole house, considered of the said bill, and most of the Peers who had spoken before, made speeches for or against it. A Prelate likewise, who had not yet spoken on this subject, said, 'That if this bill were never so good in itself, it was very unseasonable, because very unpopular, and altogether useless, the rebellion being crushed, and the power of France not to be feared; now especially, when we have a glorious standing army, and a ministry that knows how effectually to engage the affections of the people.'

The Committee having gone through the bill, and ordered the blank before the word years to be filled

filled up with the word *Seven*, the question was put, whether the same should be reported, in order to be engrossed, which was carried in the affirmative, by 74 voices against 39. The next day the said bill was reported, and, without dividing, ordered to be engrossed; and being read the third time on the 18th of *April*, there arose a debate that lasted about two hours. Near one half of that time was taken up by the Earl of *Nottingham*, who, among other things, demonstrated, ‘ That counsels for ‘ enlarging the prerogative, had ever been pernicious to the crown.’ To this the noble Duke, who the *Saturday* before had spoken next after the Earl, instead of answering him, said, ‘ That not ‘ not being so well read in history as that noble Lord, ‘ he would confine himself to what had happened in ‘ his own time; and that he had observed that his ‘ Lordship had by turns, opposed all that had been ‘ offered, either for the interest of the crown, or ‘ the liberties of the people, of which he might ‘ easily produce several instances; adding, he did ‘ not wonder there appeared already so much joy ‘ among a certain party, over a repenting sinner.’ Upon the whole matter, the question being put, *Whether this bill shall pass?* it was carried in the affirmative, by a majority of 69 voices against 36; but 24 Lords protested against it, *viz.* *Somerset, Aylesford, Trevor, Mansel, Gower, Willoughby de Broke, Bruce, Tadcaster, Berkshire, Nottingham, Northampton, Fr. Cestriens. Ashburnham, Dartmouth, Powlet, Foley, Anglesey, Strafford, Bingley, Fr. Roffen. Guilford, Abingdon, Shrewsbury, Cardigan.*

The next day, *viz.* *April 19*, the Lords sent Mr. Justice *Tracy* and Mr. Justice *Dormer* to acquaint the Commons, That they had passed a bill, intituled, *An act for enlarging the time of continuance of Parliaments, appointed by an act made in the sixth year of*
King

King William and Queen Mary, to which they desired their concurrence. A motion was immediately made to reject the bill, without reading it; but because that would have been an unprecedented method of proceeding, the house would not agree to it, but read the bill the first time, and the question being put, *That it be read a second time*, there arose a debate that lasted about two hours. The most remarkable objection that was then urged against the bill, was, *That it was an imposition of the Lords, to take upon them to direct the Commons in a matter which concerned them only, as guardians of the rights and liberties of the people.* But to this it was answered, *That even the triennial act itself was begun in the house of Lords, who, as part of the legislature, are no less guardians of the liberties of the subject, than the Commons themselves.* At length it was carried by a majority of 276 against 156, that the bill should be read a second time on the *Tuesday* following. Upon that day, (*April 24.*) six petitions, viz. 1. Of the borough and town of *Marlborough* in *Wiltshire*. 2. Of the borough of *Midhurst* in *Suffex*. 3. Of the town and port of *Hastings* in *Suffex*. 4. Of the Mayor and corporation of *Cambridge*. 5. Of the borough of *Abingdon* in *Berkshire*; and, 6. Of the borough of *Newcastle under Line*, in the county of *Stafford*, being presented to the house, and read against the bill, were severally ordered to lie upon the table. Then the bill was read the second time; and a motion being made, and the question put, *That it be committed*, there arose a warm debate, that lasted from two in the afternoon 'till near eleven at night; during which, the Prince of *Wales*, and several Lords and persons of distinction, were admitted into the gallery. The Speakers for the bill were, Mr. *Lyddall*, Mr. *Trevanion*, Mr. *Molyneux*, Sir *John Brownlow*, Mr. *Hadden*, Mr. *Hampden*, Mr. *Molesworth*, Mr. *Smith*, Lord *Stanhope*, Mr. *Young*, Mr. *Craggs*, Lord *Coningsby*, Mr. *Erle*, Sir

V O L. VI. D d *Richard*

Richard Steele, Mr. Nevil, Colonel Graham, Sir Charles Turner, Sir William Thompson, Sir Joseph Jekyll, Mr. Secretary Stanhope, and Mr. Aislaby. The Speakers against the bill were, *Mr. Robert Heysham, Mr. Cbetwynd, Lord Paget, Mr. Snell, Mr. Shippen, Mr. Wykes, Mr. Hutchinson, Mr. Jefferies, Sir Thomas Cross, Mr. Bromley, Mr. Archer, Sir William Whitlocke, Lord Guernsey, Sir Thomas Hanmer, Mr. Lechmere, General Ross, Sir Robert Raymond, Mr. Hungerford, and Mr. Ward, Lancaster.*

Mr. *Lyddall*, who opened the debate, spoke to the following effect.

S I R,

YOU have now under your consideration a matter of as great weight and importance, as, I believe, ever came before any Parliament; for where the rights and liberties of the subject appear to be concerned, then certainly it is fit to proceed with the utmost caution and regard. The triennial act was, no doubt, originally intended as a barrier and defence of those rights and liberties, against any oppressive or arbitrary invasions of the crown: And though we are so happy as to have a good Prince now upon the Throne, who is likely to be succeeded by one equally so, yet such great blessings were never entailed upon a people. No body can be more for supporting the just prerogative, than I am; because I always take it to be a power of doing good: And therefore, if upon the strictest examination I could find, that what is at present proposed, would throw the balance of power too much on the side of the crown, I should then think it not only hurtful and dangerous to the public, but fatal and destructive to the constitution. In order to enter farther into this subject,

subject, it is proper to look back from whence a bill of this kind first took it's rise: In the year 1640, a bill for triennial Parliaments, or that which was very like it, was passed; but with a clause in it, of a hard and compulsory nature, derogatory to the crown, and, indeed, unreasonable in itself, with many other disagreeable circumstances. It is well known what was the consequence of those unhappy differences between the King and his people. After the restoration, in the 16th of King *Charles II*, this act (which immediately preceded a long and bloody civil war) was repealed by another act, the preamble of which is very remarkable: And thus things remained till some time after the revolution, when King *William* was prevailed upon to pass this now (I hope) dying law. I am sure nothing could prevail with me either to enlarge or alter this act, were I not convinced by comparing the arguments on both sides, that the not doing of it is liable to more inconvenience and danger. If you do it, you effectually strengthen the hands of the King; settle and maintain the Protestant succession, by destroying the vain hopes of all its enemies, both at home and abroad. You encourage your Allies to join with you, nay, and to depend that what shall hereafter be stipulated and agreed upon, will be punctually performed. This experiment may, perhaps, at first disquiet the minds of the people; especially when they are exasperated by all the endeavours of men, averse and disaffected to the government. However, a little time will shew, that it will entirely break our parties and divisions, and by that means lay a firm and solid foundation for the future tranquillity and happiness of this kingdom. Besides, if this opportunity be lost, you may possibly never have another, at least so good a one, not only to con-

quer, but even to eradicate, that spirit of *Jacobitism*, which has long dwelt among us, and has more than once brought this nation to the very brink of ruin and destruction. Since therefore, with much danger and difficulty, we have at last secured our religion, laws, and liberties, when all was at stake, from the treachery of the late ministry, the unaccountable proceedings of the last triennial Parliament, why should you run the risk of having a new one so soon, first chosen by *French* money, and then voting by *French* directions? Since the King and his Parliament exert their united power for the good of the public, and to retrieve the honour of the nation, why should they not continue longer together, that they may finish what they have so unanimously and so happily begun?

Upon the whole, Sir, the electors and people of all the boroughs in *England* having been for several years past, both bribed and preached into the Pretender's interest, and a dislike of the Protestant succession, it becomes rather necessity than choice to apply an extraordinary remedy to an extraordinary disease. Therefore I shall give you no further trouble, but make you a very short motion, which is, *That this bill be committed.*

Mr. Shippen spoke against the bill as follows:

Mr. Speaker,

I know my duty to this house, and the consequence of any unguarded expressions, better than to say, that by any bills we have already passed, we have made so wide a gap in the constitution, that the force of the law is in a manner destroyed; or that, by any thing we have done, we have paved the way to a despotic and military government, the greatest calamity can befall a free-born

born people. Such reflections may come from persons without doors, who, tho' they may with justice complain when their liberties are invaded, yet cannot always enter into the depth and wisdom of our counsels, and are too apt to censure what they do not understand. No member can regularly arraign any bills the same session they have obtained the force and sanction of laws. But this bill (tho' it hath already got through the most difficult part of its passage, and tho' it will in probability be the next law that shall be made) is yet unpassed, is yet before us for our consideration, and we have a right to treat it with freedom: Freedom of speech, I presume, will not only be allowed, but is expected on this occasion. I hope therefore, as the business of this day hath raised an universal expectation throughout the kingdom, so gentlemen who are more able, (none is more willing than myself) will appear with resolution and spirit in this important debate; in this, perhaps our last struggle for the liberties of those we represent.

I think, then, all the arguments which have been used for this bill, are grounded on mere surmises and imaginations only, are either trifling in themselves, or dangerous in their consequence.

One main reason urged, both in the preamble of the bill, and in the debates of the gentlemen who are for it, is this:

That the disaffections of the people are so great, and the enemies of the government both at home and abroad so watchful, that new elections will occasion new riots, rekindle the rebellion, and be destructive to the peace and security of the government, which will all be prevented by continuing this good Parliament, and making the time of its dissolution uncertain.

If this argument be applied to the ministry, I can only answer, that it is no concern of ours,

whether they have rendered themselves odious to the people, or not. They are more properly the object of our jealousy, than of our care. They may be destroyed, and the government subsist. But if it be applied to his Majesty, as it must be to make it any inducement to pass this bill, I will venture to say, that none of those, who are called enemies to the government, and abettors of the rebellion, could have offered an argument so injurious to his Majesty's honour. For with what face can any good subject insinuate, that in the infancy of his reign, he hath deprived himself of the love and affection of a people, who so lately received him with the utmost expressions of joy? What an unjust idea must this give of his most mild and gracious government? But the assertion is the more injurious, because it is entirely groundless. For when these pretended disaffections were at the highest, it appeared how impotent they were, how far from being universal, by the easy and sudden suppression of the rebellion; and by consequence how absolutely his Majesty reigned in the hearts of his subjects. Now the rebellion is suppressed, if there should be any remains of those who are ill disposed, the fate of their friends (whilst the terror of it is fresh in their minds) will restrain them from any future attempt. Besides, the hands of the government are strengthened. The *babeas corpus* act is not only now, but may be again suspended: you have a numerous standing army distributed through the Kingdom, to controul and awe unruly spirits. But suppose the disaffections of the people to be as great, suppose the faction, (spoke of in the preamble) to be as restless and designing as is affirmed; is this the way to extinguish animosities, to heal divisions, and to reconcile parties? No, Sir, it will rather create discontents, where there are none already:

It

It will rather give occasion to those that are disaffected, to rail at your proceedings, to say that your actions are such, that you dare not venture on new elections; and who knows what such suggestions may produce? 'Tis possible when the three years (for which you are now chosen) shall expire, they may insist, that they are unrepresented in Parliament; and this will be a better handle, a more plausible foundation, for the faction to work upon, than they could have at the time of a regular election. Now, if the continuance of this Parliament be intended only to calm mens minds, and that it is hoped this storm may by degrees subside, Gentlemen, be pleased to consider, that we are but a little above a year old, though we have done so many great and glorious things, and that there will be no necessity (as the law stands) of a dissolution this year and half; and that no body can imagine discontents will last so long under so wise, so unerring, so pacific an administration, as we now enjoy.

Another reason insisted on is, That as the continuance of this Parliament may prevent commotions at home, so it may hinder any invasion from abroad, by encouraging our antient Allies to enter into new treaties with us, which they will not otherwise do.

This is a secret which, in my humble opinion, ought not to have been revealed; this is an argument highly improper to be urged in a *British* Parliament: For it supposes, that our Allies prescribe to our counsels, and that they expect we should alter the present frame of our constitution, before they will favour us with their friendships; which is a thought not to be endured in this place, where so many millions have been raised for their service, and must move the indignation of every *Englishman*, especially if it comes from any state that first received its being, and afterwards its pro-

tection, from *England*. I hope never to see this nation brought so low, that the crown shall be directed (as was once attempted) when to remove or keep its Ministers, when to dissolve or continue its Parliaments. Sir, his Majesty, as King of *Great-Britain*, is the arbiter of *Europe*, and may dictate to other nations. They will, for their own sakes, court his friendship: They have always found their account in being Allies to the crown he wears. The *British* treasure, and the *British* armies, have made them triumph over their enemies, and established the balance they wanted. 'Tis farther said, that by this bill you will restore the prerogative to part of it's power, which is cramped by the triennial act. Now if this bill is to be understood to relate to alliances, it weakens, and not strengthens the prerogative. For it is an insinuation, that the people have something to do in making treaties, which must ever be denied by the Friends of the crown, where the sole undisputed right is lodged by the constitution of this kingdom. Besides, if that was any consideration here, this argument is also a reflection on the present ministry, who are to have the honour to advise his Majesty in any alliances he shall think fit to make: For it hath an appearance, as if they durst not look a new Parliament in the face; or, as if by some demerit or other, they should not continue in their posts (without the help of this bill) long enough to assist in supporting those alliances when made. 'Tis true, we have had of late a sort of triennial ministries, as well as Parliaments. But we are to hope, that the present set of Ministers, (who so far surpass all their predecessors in wisdom and virtue) will behave so well, as to deserve the continuance of his Majesty's favour, and the Kingdom's approbation. Their friends therefore ought rather to reject, than to enforce this argument, as reflecting on them, and groundless in itself.

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There is another reason, drawn from the great and continued expences occasioned by frequent elections, which is so weak, that it scarce deserves to be taken notice of. For every Gentleman is a judge of his own circumstances, whether he will, or can, be at the necessary expences of an election: Corrupt ones are not to be supposed, especially in this house, which, all the world knows, was chosen without the least corruption, without the least violence, without the least improper influence whatsoever.

As to what is said, that frequent Parliaments are the cause of obstructing justice, and hinder candidates from being impartial in the distribution of it; 'tis equally trifling with the reason last mentioned; and, if any, is an argument only for making Parliaments perpetual. For he who will be a great deal byassed by his hopes of securing his seat in a triennial Parliament, will, by the same principle, be a little warped by his expectation of sitting in a septennial one; and he ought in neither case to be a member of this house: For nothing can effectually cure such a disposition; it will never be able to resist greater temptations, and court-preferments.

These are the chief arguments for passing this bill; and I humbly conceive they now appear to be of no great weight: But the reasons for letting the law stand as it does, are such as, in my opinion, cannot receive an answer.

First, If there were not abundance of other arguments against this bill, the manner of its coming hither, is a sufficient objection to it. 'Tis sent from the Lords, and as it chiefly relates to our selves, I should apprehend it inconsistent with our honour to receive it. We ought to imitate the spirit which our predecessors ever shewed in resisting all attempts of this kind, all appearances of innovation by the Lords. Our predecessors were
so

so very jealous of their privileges, that they never failed to exert themselves, even on the smallest and most minute occasions. Shall we then? shall this glorious house of Commons, be so far from doing that, as humbly to take a new model of our constitution from them? Surely we shall not sit tame and acquiesce meanly, when they think fit to strike at the foundations of this house.

But if any here could be inclinable to receive the dictates of the Lords, or, to speak out, the dictates of the ministry, I humbly apprehend it is not in our power to consent to this bill. For I cannot conceive, by any rule of reason or law, that we, who are only representatives, can enlarge to our own advantage the authority delegated to us; or that, by virtue of that authority, we can destroy the fundamental rights of our constituents. I know indeed, that the notion of the radical power of the people, hath been extended to a degree of extravagance and absurdity, which I would never be supposed to contend for. But it is self-evident, that this power with relation to the part we bear in the legislature, is absolutely, is solely in the electors. You have no legislative capacity, but what you derive from them. You were chosen under the triennial act, and could only be chosen for three years, unless they could convey more to others, than they had in themselves; unless they could give us a longer term to represent them, than they could claim at the time of their choice to be represented. Our trust therefore is a triennial trust; and if we endeavour to continue it beyond it's legal duration, from that instant we cease to be the trustees of the people, and are our own electors; from that instant we act by an assumed power, and erect a new constitution. If we could dissolve or alter the form of any one part of the legislature, why not of the whole? And that is a doctrine I presume, will not be advanced here; I am sure

it will never be allowed in any place. But I know it is a very unacceptable way of speaking, to dispute the power of those to whom one speaks; and it may be thought a presumption if I should affirm in this present Parliament (which hath given so many proofs of its Omnipotence) that even the whole legislature cannot do every thing. I must however always be of opinion, that tho' it is a received maxim in civil science, that the supreme legislature cannot be bound; yet it is an implied exception, and must be understood, that it is restrained from subverting the foundations on which it stands; and that it ought not on any pretence whatsoever, to touch or alter those laws, which are so far admitted into the constitution, as to become essential parts of it. I am also of opinion, that we cannot pass this bill, because it would be an infraction of the act of Union, which I hear almost every day in this place called an irrepealable and fundamental law. But since the representatives of *North-Britain* are satisfied in that point, it would be highly impertinent in me to insist upon it.

But if nothing stood in your way, if it was never so much in your power, I think you ought not to repeal the triennial act, except in the last extremity, and in the most imminent danger of the state. This law was one of the fruits of the revolution: This law restored the freedom and frequency of Parliaments, so far as was consistent with the circumstances of that reign, which was involved in a war, and had occasion for constant and heavy taxes: This law was a concession made to the people by King *William*, in the midst of his difficulties; and I own the policy of those Ministers, who shall advise his Majesty to give his royal assent to the repealing of it, is of too refined and delicate a nature for my understanding. For since his Majesty has been pleased to propose that
Prince

Prince as a pattern to himself, and is pursuing his steps with so much glory, it will be matter of astonishment to those who are not in the secret of affairs, to see, that in the reign of the one King every thing should be done to enlarge the liberties of the people, and to restrain his successors from being capable of relapsing into the errors and abuses of former princes; and that in the reign of the other, there should be the least appearance of doing any thing which might but seem to stretch the prerogative, to invade and shock the rights and privileges of the subject, when both shall be found to rule by the same principles of liberty, and by the same maxims of government.

The triennial act is grounded on the ancient usage and constitution of Parliaments; as it is intended to oblige the crown to call them frequently. For, that Parliaments were held frequently (half yearly, or annually at least) appears not only from the best accounts we have of the first institution of them, and by the two acts of *Edward III.*, but by the writs of summons still extant, and by several authentic instruments and records. However satisfactory it might be on any other occasion, I am sensible, that a deduction of the history of ancient Parliaments, as they were successively called, would be very tedious and unentertaining in this debate; and I will therefore only mention two records, one is that famous instrument of *Edward I.* concerning the *Annuus Census*, then claimed by the Popes from the crown of *England*; wherein he takes notice, that some arrears, incurred on that head, had not been raised, as they ought to have been *in Parlamento, quod circa Octavas Resurrectionis Dominicæ celebrari in Anglia consuevit*: But he promises that he would recommend the payment of the money due, *in alio Parlamento nostro, quod ad finem Sancti Michaelis proxime futuri intendimus dante Domino celebrare*. The other

other record is a representation from the Parliament to *Richard II*, some passages of which are these—*Quod ex antiquo statuto habent, & consuetudine laudabili & approbatâ, cujus contrarietati dici non volebit.* That the King is to call *Dominos & Proceres regni atque communes* semel in anno ad *Parliamentum suum, tanquam ad summam curiam totius regni.* That if the King—*à Parlamento suo se alienaverit suâ sponte, non aliquâ infirmitate aut aliquâ aliâ de causâ necessitatis, sed per immoderatam voluntatem protervè se subtraxerit per absentiam temporis quadraginta dierum, tanquam de vexatione populi sui & gravibus expensis eorum non curans, ex tunc licitum omnibus & singulis eorum, absque domigenio Regis, redire ad propria & unicuique eorum in patriam suam remeare.*

From the former of these records, 'tis obvious to observe, that *Edward the I.* (who was one of our best Princes, and so great a preserver of the laws of his kingdom, that he is justly called by our historians the *English Justinian*) chose, rather than to prolong the sitting of his Parliament beyond their usual time, to dissolve one, tho' it had not finished its necessary business, and to summon another within the space of a few months.

From the other 'tis very remarkable, that *Richard II* (who is said to be one of the worst Kings that ever sat on the throne of *England*) by absenting himself from the business of Parliaments, and by that means continuing their *sessions* beyond their proper and accustomed time, drew upon himself a sharp remonstrance from both houses, and was at last, for such practices, amongst other things, deposed.

Many reigns after this, *Henry VIII* accomplished what *Richard II* only attempted, and he continued his last Parliament *ad libitum* without reproof. But 'tis well known what exorbitant powers

powers they vested him with ; and God forbid we should have any resemblance of those times ; for that Parliament acted like slaves, and that King acted like a Tyrant.

But if the triennial law had not been grounded on the reasons of antiquity, and the original usage of Parliaments, it was no more than a reasonable indulgence from the Throne to the people, who had struggled for a revolution, on account of the abuses of Parliaments, and the endeavours to render them insignificant. 'Tis true, that Prince once denied his royal assent to it : But afterwards he considered, that it could be no diminution of his prerogative, no blemish to his regal power, to retrieve the honour and dignity of Parliaments, as they were his support, as they were the essential part of that constitution he came to save ; and this he found he could only do by the frequent calling of them.

Besides, this law was not only a reasonable indulgence to the people, as has been said, in that it gave them frequent opportunities of changing their members, when they did not approve their behaviour, and was of advantage to the public, in making them act with more than ordinary caution and circumspection ; but it proved of great service to the crown ; for by frequent Parliaments the crown could only know the immediate sense of the nation, which is absolutely necessary for a Prince to know on all emergencies. However inconvenient this law may now be thought to the crown, and however opposite to some projects and schemes an active ministry may have in view, I appeal to experienced members, whether they think, or can imagine, that the crown could have got half the money it hath been supplied with since the revolution, but by new and fresh elections. Such grievous and perpetual taxes would
never

never have been endured from a stale and continued Parliament. There is no injury or dishonour therefore to the crown, to be obliged, by a law, to do what, in justice to the subject, and convenience to itself, it ought to do without a law.

But if you had a power to repeal this law, and exercise that power, the people would be in a much worse condition, than if it had never been granted to them. They would be bound up for ever in a legislative way, the only way effectually and irrecoverably to lose their liberties. They would by us (their representatives) condemn short and frequent Parliaments, and establish long and pensioned ones, which is a new doctrine, and such as was never before advanced by the Commons of *Great-Britain*.

Surely there must be some secret cause, some latent reason, for hurrying on this bill in so precipitate a manner. The true reason, I believe, is not declared; and for my part, I cannot but suspect, that the ministry have something to do which they apprehend will not be acceptable to a new Parliament, and which will not stand the test of the nation. I say, it must be something they have to do. For I am confident they do not self-condemn themselves, for what they have already done. They have no remorse of conscience for apprehending so many hundred gentlemen, and confining them in prison so many months without examination. For such confinements were not only necessary to suppress the rebellion, but we have been told were intended as a favour and kindness to the persons who were so confined. It must therefore be some new work they have upon their hands; what that work is, I will not presume to guess. But I will presume to say, what it cannot be. It cannot be a design to abolish the limitations of the act of settlement, with relation to foreigners; because that is no less than an open violation

violation of our new *Magna Charta*, and an entire infraction of our original contract, as the government now stands.

I fear I have quite wearied your patience, but the importance of the subject will in some measure excuse me, and I have but a very few words now to add. I hope you will reject and not commit this bill. For there is nothing more certain, than that it will be to your dishonour and disservice to pass it, if we may reason of what will be, by what hath been. Long Parliaments then will naturally grow either formidable or contemptible.

We have an instance of the one, in the long Parliament of King *Charles* the first, which, to its eternal infamy, overturned the best constitution in the world, the church and monarchy of this nation.

We have a proof of the other in the long Parliament of King *Charles* the second. I ask pardon if I am heard by any that were members of it, but I only repeat what others have said. There was a famous simile applied by *Julian Johnson* to that Parliament, which I the rather mention, because it was much applauded by the patrons of liberty, and lovers of Parliaments; and because I know the author is esteemed above his deserts by some gentlemen, who are now debating for long Parliaments; 'tis this, *That a standing Parliament will always stagnate, and be like a country-pond, which is over-grown with ducks-meat.*

I make no application; no man will, or can, with any colour of truth or reason, apply it to this Parliament. This Parliament is so far from being a stagnating pool, that it might rather be compared to a rapid stream, or an irresistible torrent, which, if continued, will bear down all before it.

Mr

Mr *Shippen* having thus ended, Mr *Hampden* answered him in the following speech.

Mr *Speaker*,

THE house is now entered on the exercise of a power, which, of right, and agreeable to the constitution, belongs to them: I mean that branch of power which they, as a part of the legislature, have, of repealing laws, or extending and limiting of them, in such manner as shall appear to them most conducive to the service of their country. As this right of altering the laws does undoubtedly belong to the legislature, it ought to be used with the utmost regard; since 'tis equally a crime to enervate laws that are found to be a support to our government, as to omit the abolishing or suspending such as have not answered their end when made, or, which is worse, have proved detrimental.

Mr *Hampden's* speech.

It is a commendable zeal, when Gentlemen in their debates express a tenderness for the existing constitution of their country, and their apprehensions of the least innovation in the frame of the government; and I am not surprized that it is objected, in so popular a manner, that the passing of this bill for suspending the law for the election of triennial Parliaments, is to sap the foundation of our *English* liberties.

But if, upon an impartial enquiry, it shall appear, that this bill, which was made for the benefit of the nation, has, in no respect, answered the purposes for which it was calculated when made into a law, I presume it may be allowed, that the danger in suspending it, is more imaginary than real.

And since it is as unjustifiable to be tenacious of a matter that has no argument to support it, as not to give way to what experience has demonstrated,

if this bill should, in it's consequences, be void of proof of its answering the ends for which it was made, I hope it will not be so great a crime to suspend it, as it has, with industry, been represented without doors.

A principal argument for continuing the triennial bill is, that it is agreeable to the ancient laws of this nation, that there should be frequent Parliaments. I find by the laws I have looked over, that Parliaments ought to be frequently held; but I find it no where laid down as a fundamental position of the nature of this constitution, that there should be frequent elections. If Gentlemen will look to the beginning of Parliaments, they will find in the 4th, 5th, and 36th of *Edward III* that, *for redress of divers mischiefs and grievances which daily happen, a Parliament shall be bolden every year, or oftner if need be.* Let it then be considered in what manner those Parliaments, were held: When a King met his Parliament, they used to sit ten or twenty days, and then were prorogued or dissolved; and there were frequent intermissions of Parliaments, none being called for several years. By looking over the journals, we find the prorogations and dissolutions of Parliaments.

To come down to the time of *Henry VIII*. Few of his Parliaments sat more than twenty days, though there was not a Parliament, met every year; and from the 7th to the 25th of *Henry VIII*, there are no journals, and consequently, we cannot tell in what manner Parliaments were held. Afterwards there were several Parliaments, but not every year, to the end of his reign.

A Parliament was called the first year of *Edward VI*, and in five years sat but four months. In *Pbilip* and *Mary* there were four Parliaments, but the sessions extremely short. From the 2d. to the 5th,

5th, and from the 7th to the 13th of Queen *Elizabeth*, no Parliament met, and from the 14th to the 25th of Queen *Elizabeth*, the Parliament sat only from the 8th of *May* to the 30th of *June*; and four years after, from the 8th of *February* to the 8th of *March* following; and in eight years after, never sat to do business, but were then dissolved. There were six other Parliaments called in Queen *Elizabeth's* time; but never sat long, unless that in the 39th of her reign, which sat four months.

The first Parliament of *James I.*, sat about four months, and in three years after, sat about eight days. That Parliament was not dissolved 'till the 9th of *James*, but sat twice or thrice only. There were three other Parliaments in his reign, but they met very seldom.

The sessions in King *Charles I.*, were much shorter than of late days, and very frequent prorogations; and in the 16th of his reign, an act was passed, *For preventing inconveniencies by long intermission of Parliaments*; by which it was provided, that a Parliament should meet every three years; which law we find repealed in the 16th of *Charles II.*, by reason that the provisions in the former law were looked upon as a derogation to his Majesty's just and undoubted prerogative for calling and assembling Parliaments, and might be an occasion of manifold mischiefs, and might endanger the peace of his people. The said act is repealed, and a provision made therein, that *because, by the ancient laws of this realm, in the reign of Edward III, Parliaments are to be held very often, the sitting and holding of Parliaments shall not be intermitted above three years.* In this King's reign the long Parliament was held; and whatever corruptions they were tainted with, they could never be accused of favouring the cause of *France*, or attempting to enslave their own country.

In King *James II*, that unfortunate Prince, a Parliament was held in *May 1685*, and sat about two months, and was at several times, prorogued to *November 1687*. Then the happy revolution took place; and in the *bill of rights*, 1 *Guliel. & Mariae*, it is declared and enacted, That *all the rights and liberties asserted and claimed in the said declaration, are the true, ancient, and indubitable rights and liberties of the people of this kingdom, and ought to be firmly and strictly holden and observed*. And in the same bill, among that long catalogue of grievances which precedes the said declaration, there is not the least mention made of want of frequent elections, but only that Parliaments ought to be free. In the sixth of King *William*, this now favoured bill for triennial Parliaments was passed; and upon this occasion, I cannot help observing, that it is some satisfaction, that the people abroad who look upon the reign of that Prince as an usurpation, should be fond of any one act that passed in that time; and I hope from hence, they may in time, be more reconciled to the protestant succession, which is in consequence of that happy revolution.

If gentlemen will look over the writs of summons, and the returns of those writs, they will find no mention how long any Parliament is to last; but the return makes mention of the persons who are to serve in the Parliament that is to meet, and be held at such a time at *Westminster*. But it must be allowed, that the Parliament is subject to the triennial act while it subsists; and therefore the advantages and inconveniencies of that law ought chiefly to be considered in the matter now before us: And in case an act be found prejudicial, if such a veneration is to be paid to a law, as not to alter it, from any conviction of its being insufficient, or attended with ill consequences, I think the legislature will become, in a manner, useless. I take the principal matter to be, to examine what
benefit

benefit has accrued to the nation by virtue of this bill, and if the inconveniencies do not out-weigh all the advantages?

It is pretended, that by the triennial elections, the people have an opportunity of laying aside those persons with whose behaviour in Parliament they are dissatisfied, or such whom they apprehend to be under court-influences: I desire it may be considered, how very few examples there are, of persons, who having accepted places, have not been re-elected. The reason is very obvious: Because the people, who love expences, judge that a man who has a place of profit, is much more capable of making an expence, than he that has none. But supposing any gentleman so wickedly disposed, as to sacrifice his opinion to the lucre of a place, does not such a person, who has spent five or six hundred pounds at his election, and his circumstances not very able to bear it, come more prepared for a court-temptation, than if he had enjoyed his seat in Parliament, and been free from the trouble and expence of frequent elections? I appeal to gentlemen, if expences are not increased? And if any instance can be produced where they are abated, many more may be where they are increased; so that the end of the bill, in this respect, is no way answered.

It is said, that expences being voluntary, it is the fault only of those who make them; but when we observe the contagion of expences to be universally spread in the kingdom at the time of elections, and a dissolution of manners occasioned by such expences, it is time for the legislature to interpose, and prevent the dangerous consequences of such an evil. Do, Gentlemen, consider the distractions occasioned by elections, and the impossibility, considering the small interval of elections, to heal up those wounds which the animosities

of parties have occasioned; so it is little better than living in a continual state of warfare. This is a no less fatal than undeniable consequence of this bill, which was calculated for the ease of the subject.

It is said, the reason of this expedient, as it is called, is because the majority of this Parliament are *Whigs*. And tho' it is allowed that this Parliament has acted for the service of his Majesty, and the nation, the proceedings of the last Parliament are said to be as meritorious of the King's good opinion, and the nation's, as what this Parliament has done.

It is much insisted on, that the *Tories* gave the civil list: That is true; but had they not given it, I believe the King would not long have been deprived of it. It is said, the King was received here with the universal joy of his people: Why did that satisfaction cease so soon? Has the King done any thing to lose the affection of so many of his people? or have his Ministers? If his Ministers, why has the spirit of patriotism been so much wanting in Gentlemen, as not to represent to the King, or in this house, the crimes of those he employs in his service? But if no real handle for these discontents has been given by King or Ministers, then those who pretended such a zeal for the King and his service, at his arrival here, acted a hypocritical part, and meant nothing less than what they now make professions of. Let us consider the present situation of the minds of the people, how exasperated one set of them are at the necessary prosecutions of those, who so fatally concerted the ruin of their country; and to what degree that restless spirit influenced the people in the late rebellion; and how industriously a false and mistaken cause of the church has been of late propagated in this nation.

From these and many other circumstances of affairs, and symptoms of the ill temper of the nation, I think the disposition of the peoples minds

minds far from being suitable to the business of an election, but rather for a restoration of that person, who, the deluded people have been taught, has alone a right to the crown, and came to free you from the oppressions you now lie under.

S I R,

So much has been said concerning the preparations which the regent is making, by extorting vast sums from the subjects of *France*; and so much has been spoken concerning our alliances, and the necessity of applying ourselves to find out effectual methods for discharging the publick debts, that after so long a debate, I shall not trouble you with my thoughts upon those subjects.

It must be allowed, that the nation has obligation to those patriots who framed this law, with a view and expectation it would prove a secure provision for the liberty and ease of the subject: But could those great and honest men have foreseen into what a degenerate state this nation would fall, they would have been convinced how insufficient and cobweb a remedy such a bill must prove; and they would scarce have been content with leaving to posterity a legacy, which experience has shewn to be destructive, instead of any real advantage to them.

I humbly apprehend, that when laws do not answer their end, or prove prejudicial in their consequences, it is the duty of the legislature to interpose; and that the suspension of this bill is so far from being a violation of our constitution, that it is the healing a breach made in the constitution by those who obtained this law.

The reasons why I am now for the bill are,

To dispose the people to follow their callings, and to be industrious, by taking from them, for a time, the opportunity of distracting one another by elections. To prevent such who have

the will, from the power of giving any new disturbance to the government. To prevent another rebellion; there being just as much reason to expect one this year, as there was the last. To check that evil spirit in those who have sworn to the King and rose in arms against him, or abetted such who have. To discountenance that spirit which lately did so far prevail in this nation, as to approve of a most ignominious conclusion of a successful war, by a ruinous peace. To render fruitless any concerted project of the regent, or any other foreign Princes, to disturb this nation at a time when elections, or the approach of them, have raised a ferment in the minds of the people: And to procure to the clergy an interval from being politicians, that they may be the better able to take care of their flocks, in the manner the scripture has prescribed.

For these and many other reasons, too long to enumerate at this time, I am for the commitment of this bill.

Sir *Richard Steele* spoke likewise for the bill to the effect following :

S I R,

Sir *Richard Steele's*
speech.

IT is evident that new chosen annual Parliaments were never the custom or right of this kingdom: It remains therefore only to consider, (now that there is a law which makes Parliaments meet, as of course, at such a stated time) whether the period of three years answered the purposes intended by it? The preamble to the triennial act expresses, that it was introduced into the constitution for the better *union and agreement of the king and his people*; but it has had a quite contrary effect; and experience has verified what a wise man said of it, when it was enacted, *That it had made a triennial King, a triennial Ministry, a triennial*

triennial alliance. We feel this in all occurrences of state; and they who look upon us from abroad, behold the struggle in which we are necessarily engaged from time to time under this law. Ever since it has been enacted the nation has been in a series of contention: The first year of a triennial Parliament has been spent in vindictive decisions and animosities about the late elections; the second session has entered into business, but rather with a spirit of contradiction to what the prevailing set of men in former Parliaments had brought to pass, than of a disinterested zeal for the common good: The third session languished in the pursuit of what little was intended to be done in the second; and the approach of an ensuing election terrified the members into a servile management, according as their respective principals were disposed towards the question before them in the house. Thus the state of *England* has been like that of a vessel in distress at sea: The pilot and mariners have been wholly employed in keeping the ship from sinking; the art of navigation was useless, and they never pretended to make sail. It is objected, *that the alteration proposed is a breach of trust*: The trust, Sir, reposed in us, is that of the public good; the King, Lords, and Commons, are the parties who exercise this trust; and when the King, Lords, and Commons, exercise this trust by the measure of the common good, they discharge themselves, as well in the altering and repealing as in the making or confirming laws. The period of time, in this case, is a subordinate consideration; and those Gentlemen who are against the alteration, speak in too pompous a style, when they tell us, *We are breaking into the constitution.* It has been farther objected, *that all this is only giving great power to the Ministers, who may make an arbitrary use of it*: The Ministers are indeed like other men

men, from the infirmity of human nature, liable to be made worse by power and authority; but this act gives no addition to that authority itself; though it may possibly prolong the exercise of it in them. They are nevertheless responsible for their actions to a Parliament; and the mode of enjoying their offices is exactly the same. Now, when the thing is thus, and that the period of three years is found, from infallible experience itself, a period that can afford us no good, where shall we rest? The ills that are to be done against single persons or communities are done by surprise, and on a sudden; but good things are slow in their progress and must wait occasion. Destruction is done with a blow; but reformation is brought about by leisurely advances. All the mischiefs which can be wrought under the septennial act, can be perpetrated under the triennial; but all the good which may be compassed under the septennial, cannot be hoped for under the triennial. We may fear that the Ministers may do us harm, but that is no reason why we should continue them under a disability of doing us good. For these considerations, I am unreservedly for the bill.

Mr. *Snell*, Mr. *Bromley*, and Sir *Robert Raymond*, spoke against the bill as follows:

Mr. *Speaker*,

Mr. *Snell's*
speech.

WE are told there is an absolute necessity for the bill which is now before you, and that those who oppose it, are no better than friends to a popish Pretender. But as I wish as well to his present Majesty's person and government, as the most zealous for his service, I shall never resign my opinion to words only, and betray my trust to serve the purposes of a Ministry.

I cannot

I cannot but think this bill, if it pass into a law, will highly infringe the liberties of the people; and as I can by no means assent to the reasons that are offered to prove it necessary, so I shall heartily give my negative to it.

I do not wonder to hear a necessity urged for altering the constitution of our Parliaments, by those * who have given up their own.

The chief arguments made use of for it, as it repeals the triennial act, and continues the present Parliament, are,

To appease the groundless animosities of the people:

To avoid expences, which frequent elections occasion, to the impoverishing of many Gentlemen's families:

To obviate tumultuous riots and assemblies, which might give a handle to a second rebellion: And, lastly,

To farther our alliances abroad.

How we can possibly expect to quiet the groundless animosities of the people by this bill, I must own, I am at a loss to imagine; unless stripping them of their most valuable privilege, which they and their ancestors have for many ages past exercised and enjoyed, may be thought a proper expedient to reconcile their affections, and endear the present administration to them.

The expences at elections are merely voluntary; and if any one suffers by them, he has none to blame but himself; and I scarce believe Gentlemen to be serious in this particular; for let us look but a little backward, and trace this mischievous evil, this growing corruption, that needs such an extraordinary remedy, to its original, and we shall find it has its rise from the same place
whence

* Offence was taken by some at these words, which occasioned interruption—but the Gentleman proceeded.

whence the remedy proposed had its beginning; and that former ill Ministries, the better to forward their sinister views, have, by sending their agents through the kingdom at an approaching election, debauched the people with the public money; to that pitch of corruption we are now arrived. It is otherwise impossible to give an account how so many Gentlemen are chosen to serve in Parliament, in countries and places where they have no visible estates or interest; nay, some perhaps whose names were never heard of in the county a month before the election.

The rebellion is happily now at an end, and the government so much better secured against riots and tumultuous assemblies, by the wholesome laws provided by the wisdom of this Parliament, that little or no danger can be reasonably apprehended from thence; especially, if we consider the number of forces prudently quartered throughout the kingdom, sufficient to suppress the most daring commotions that shall be attempted.

The last reason made use of to prove the necessity of this bill, is, that it will enable the government the better to treat and negotiate foreign alliances.

But surely those who make use of this as an argument, are strangers to the constitution of *England*; for by the known and standing law of the land, the right of making peace and war, treaties and alliances, are undeniably the King's prerogative; and his Majesty may exercise that right, as to him seems best, and most for the good and benefit of his people, without application to Parliament, either to approve or confirm. But admitting that of late years Parliaments have thought themselves entitled to interpose their advice in treaties and alliances, (though I deny it to be their right) this is an argument singly sufficient with me to support the triennial bill. For supposing a Ministry shall at any time negotiate an alliance

alliance prejudicial to the interest of *England*, and by their artifice impose upon a Parliament to approve and confirm it; is it not a peculiar happiness, that such a Parliament will quickly have an end; and that the people have it in their power, by another, which must soon be called, to correct the misdeeds of such a Ministry, and prevent the farther ill consequences of such a treaty to the nation?

But allowing the arguments that are made use of sufficient to prove the necessity of repealing the triennial bill at present, I would beg leave to consider, whether it be in our power or no, to continue the present Parliament beyond the time for which the people chose us?

And as for my own part, I freely declare it as my opinion, (though I shall always acquiesce in the judgment of the majority) that the purport of this bill, so far as it relates to the continuance of this present Parliament, is not within the compass of the trust reposed in us by the people. And to satisfy Gentlemen that I am not singular in this opinion, I would beg their patience to read to them a passage or two from *Mr. Locke's treatise of government*.

The power of the legislative (said he) being derived from the people by a positive voluntary grant and institution, can be no other than what that positive grant conveyed; which being only to make laws and not legislators, the legislative can have no power of transferring their authority of making laws, and placing it in other hands.

Again, he lays it down as a rule, *That when the society has placed the legislative in any assembly of men, to continue in them and their successors, the legislative can never revert to the people whilst that government lasts; because, having provided a legislature, with power to continue for ever, they have given up their political power to the legislative and cannot*

cannot resume it : But if they have set limits to the duration of their legislative, and make this supreme power in any person or assembly only temporary, at the determination of the time set, it reverts to the society, and the people have a right to place it in new hands.

I beg pardon for the length of the quotation ; but as the author, in his life-time, was always esteemed a man of great learning and candour, and no ways suspected as disaffected to the succession in the house of *Hanover*, I could not omit taking notice of the sentiments of so great a man, so conducive to a right understanding of the point now in question.

And if these positions are true, the inferences are very obvious : The people of *England* have a fundamental indisputable right to appoint their representatives in Parliament ; and by a law still in being, for three years and no longer, (subject to the King's power of dissolution) have chosen us their representatives, in pursuance of that law ; and therefore, whenever that triennial term shall expire, have a right to chuse new ones.

It may be objected, that when the people have once constituted the legislative, that the legislature is thereby vested with the whole power of their electors ; and it cannot be denied, but, generally speaking, it will hold true. And the people of *England*, having chosen us to represent them, we are thereby empowered, not only to make laws, but to alter or repeal any law in being, as we shall think fit, for their benefit and security ; and they will undoubtedly be bound thereby. But then this is to be understood, where the subject-matter of the laws we make is within compass of the trust which the people have, or may at least be supposed to delegate to us ; and it is an ill way of reasoning to assert, that we have a power to do what we cannot do without prejudice to those we represent.

The

The right of electing representatives in Parliament is inseparably inherent in the people of *Great-Britain*, and can never be thought to be delegated to the representatives, unless you will make the elected to be the elector ; and, at the same time, suppose it the will of the people, that their representatives should have it in their power to destroy those that made them, whenever a Ministry shall think it necessary to screen themselves from their just resentments : This would be to destroy the fence to all their freedom ; for if we have a right to continue our selves, one year, one month, or day, beyond our triennial term, it will unavoidably follow, we have it in our power to make our selves perpetual : And whatever necessity we may be reduced to hereafter, matters are not yet in that apparent bad condition, to convince the people there is a present occasion for this dangerous innovation in their constitution.

To say that the passing this bill is not to grasp to our selves the right of election, but only to enlarge the time for calling new Parliaments, is a manifest fallacy ; for whenever our three years are expired, we can no longer be said to subsist by the choice of the people, but by our own appointment ; and it is a jest to tell me, I have a right to that which another has a right to take from me.

Whoever will consider well the frame and nature of our constitution, will find it calculated for every circumstance needful for the security of a free people. We are guarded, by our representatives in Parliament, against any arbitrary encroachments of the supreme executive power ; and by frequent and new Parliaments against the weakness, folly, and corruption of our representatives : And though many instances may be given of long intermissions of Parliaments, yet that does by no means

means prove frequent and new Parliaments not to be part of our constitution; and it is obvious to every impartial person, that without them our constitution is defective. For these reasons I cannot approve of this bill. I think it an open violation of the peoples liberties, or, to speak most mildly of it, a breach of our trust in that part which will most sensibly affect them; and of that ill tendency in it's consequence, that as nothing but the security of the Ministry can make it at this time needful, so nothing but a standing force can make it lasting.

Mr. Speaker,

Mr. Brom-
ley's speech.

I May venture to affirm, that the bill now before you is of higher concern to the Commons of *Great-Britain*, than any that ever yet was before you: It takes away the peoples right of appointing their representatives; it deprives them of their share in the legislature, and, in my opinion, wounds the constitution of Parliaments very deep.

No Gentleman is ignorant, that the frame of our government is made up of the King, the Lords, and the Commons. These, with respect to each other, have ever been esteemed separate, although, when put together, they make but one entire government. The duration of this form of government in *England*, longer than in our neighbouring countries, is manifestly owing to the care taken by those that went before us, in keeping these three *constituent parts* of the political body up to the rules of their first institution, by restraining each to its proper bounds, and in not suffering one to be over-borne or swallowed up by the other two: However these three great parts may in other respects be considered, yet with regard to the legislative they must act in conjunction. The
assent

assent of each to the making of laws is essentially necessary; but the manner of giving this assent is different in the people, from what it is in the King, and in the Lords. The people, by reason of their number, cannot be personally present at the passing of laws; their assent can no otherwise be signified, than by their representatives. The disadvantage the Commons are, in this respect, under, is in some sort made up to them by the care taken in the framing of our government, that they should be truly and fairly represented.

That elections shall be free, is often declared in our written laws. It is in effect saying, that neither the power of the crown, nor the power of the Lords, should interpose in them.

The resolution of this house renewed every session, *That for a Lord to concern himself in the election of members to serve for the Commons in Parliament, is a high infringement of the liberties and privileges of the Commons of Great-Britain*, sufficiently shews the jealousy the Commons ever had of the Lords intermeddling in the elections of their representatives.

The attempts made on the King's part, towards influencing elections, have been principally by officers under the nomination of the crown. As this mischief from time to time appeared, laws were introduced providing against it. The statute 7 Hen. IV. c. 15. recites, *that law to be made at the grievous complaint of the Commons of the undue elections for Parliament*, and directs (among other things) *That Sheriffs should proceed to elections freely and indifferently, notwithstanding any command to the contrary*. Many subsequent laws were made for preserving to the people this privilege (on which all others depend) of being faithfully represented in Parliament. No less than seven acts were made in King William's time for that purpose:

pose: So greatly did the endeavours of officers, to influence elections at that time, abound. The statute of 3 *W. and M. c. 1.* takes notice, *That the officers of the excise, by reason of the greatness of the duty, and the extraordinary powers given to them, had frequently, by threats or promises, so far prevailed on electors, that they had been absolutely debarred of the freedom of giving their votes; which, according to the known constitution of this kingdom, every person ought to have and enjoy.* It then enacts, *That any such officer who persuades or dissuades any elector from giving his vote, shall forfeit one hundred pounds, and be incapable of executing any office relating to the excise.* Another law of the like nature was lately made, in relation to the officers concerned in collecting the post-office duty. These laws are now all to be laid asleep. Provisions made for protecting the people's right of election, must become insignificant, if elections themselves are no longer to be allowed.

The care taken by the founders of our government to preserve this right, did not stop here; it was not sufficient to that purpose, that elections should be free; it was likewise necessary that they should be frequent.

The people's right to frequent elections, was founded on substantial reason; for since they (who could act no otherwise than by representatives) were capable of being mistaken in their choice, and the person chosen liable to be tempted over to a dependance on the crown, or on the Lords, and thereby receive an undue influence, it became necessary that frequent opportunities should be given to the Commons to correct their choice, and thereby prevent the danger which the unfaithfulness of their representatives might otherwise bring upon them.

That

That the people had a right to frequent elections, is made unquestionable by the best of evidence, perpetual usage.

From the first footsteps of Parliaments, down to the time of *Henry VIII*, not only from records, but from the printed statutes, the frequency of elections does appear. The most repeated instances within that period of time, are of Parliaments determining within the compass of a year; no instance where they continued longer than three.

King *Charles I.* (that unfortunate Prince) was put upon governing without Parliaments; but the necessity of affairs forcing him to change his purpose, a Parliament was called in the 16th year of his reign, in which a law of an extraordinary nature was passed, *viz. That in case the King did not call a Parliament within three years after the determination of the preceding Parliament, then the Lord Chancellor, &c. should issue writs for that purpose; with many other extraordinary provisions. That Parliament soon after perpetuated themselves, so far as it was capable of being done; and by an act made the same year, they were not to be dissolved but by act of Parliament. To the long continuance of which Parliament, were all the calamities of the civil war to be imputed.*

This statute of the 16th of *Charles I.* was repealed by the statute of the 16th of *Charles II. c. 1.* But notwithstanding the fond humour the nation was then in, even by the same act it was declared, *That by the laws of this realm, Parliaments are to be held very often; and to the end there might be a frequent calling, assembling, and holding Parliaments, once in three years at least, it was declared and enacted, That Parliaments should not be intermitted above three years at the most.*

In King *Charles II*'s time another turn of policy was taken, which was to bring the house of Commons to the bent of the Ministry, by the secret application of pensions to the members. Such was the modesty even of that age, as not openly and avowedly to byass with offices, those who ought at least to be the faithful representatives of the people.

For the effecting of this pernicious purpose of corrupting the Commons, it was necessary that the Parliament should be prolonged; which it was for eighteen years: Assurance of which being privately given to many of the members, and there being time sufficient to gain upon others, (not so far intrusted with the secret) the design was effected. And such was the behaviour of that Parliament, that it acquired the infamous name of the Pensioner-Parliament.

The attack thus made on the constitution of Parliaments, by depriving the people of their right of frequent elections, gave birth to the jealousy the nation entertained of the intention that Prince had of assuming to himself a despotic power. How uneasy the latter part of his reign became on that account, is well known; and the nation has felt the effects of the ferment and divisions which then arose; and by the artifice of ill-designing Ministers, have been ever since continued.

The people being warned by the narrow escape their liberties met with from that Parliament, did (after much struggle) obtain this law of triennial Parliaments, the only remedy left for preserving their ancient constitution.

And now, after above an hundred millions given by the people, in order to preserve their old form of government, here is a bill sent us by the Lords, which, if it passes, must expose us again to the greatest of dangers, which is that of a long Parliament.

In

In the time of that Pensioner-Parliament (which began in 1662) the means of temptation in the Minister's hands, were not so great as they now are: The civil list is well nigh double to what it then was: The dependance on the crown is greatly enlarged, by reason of the increase of officers for managing the public revenue and funds. What influence these may have upon an exhausted nation, under the terror which forty thousand regular troops carry with them, is easily foreseen.

No wonder the Lords (who are ever fond of power) have sent us a bill which admits of their having a share in the nomination of the house of Commons: But I cannot guess what should induce them to expect our concurrence. Surely they cannot think so meanly of us, that for the sake of continuing our seats here, we should give into what so greatly affects the rights of those that sent us. Can we be thought so ungrateful, as to join in the destruction of the power that raised us? Can they think us so unfaithful, as to betray our trust in this gross manner, by renouncing our relation to the people, and accepting from the crown, and from themselves, a renewal of our right to sit here? Should they imagine us no longer to be influenced by the rules of justice and morality; yet methinks they should allow us to have some sense of shame remaining, which must give us pain when we return into our countries, and look those in the face whom we have so greatly injured.

I would take notice of a matter that was mentioned in the debate (supposing this bill should undergo the forms used in the passing of bills) whether it would carry with it the obligation of a law? Of this I own my self much in doubt.

The powers we are intrusted with, as representatives of the people, appear in the form of

the writ for summoning the Parliament. And in the indentures annexed to the return, the writ recites, *Whereas we have thought fit to call a Parliament, touching divers urgent affairs, concerning us, the state, and defence of our kingdom of Great-Britain, it then requires, That the Sheriff do cause two to be elected Knights, &c. to act in and consent to what shall be ordained by the common council of Great-Britain, super negotiis antedictis.*

The indenture annexed to the return, answers the writ, *viz. That they have elected such and such to attend according to the tenor of the writ, and given them full powers to act in, and consent to all things in the said Parliament, which shall be by common council and consent ordained, touching the state and defence of his Majesty's kingdom of Great-Britain.* The question then is, Whether the authority thus given us to act, touching the defence of the government, does enable us to lay aside one of the three great estates, (the people) by denying them their right of acting by their representatives in Parliament, and consequently their share in the legislature? Does the power put into our hands by the people, justify our turning the dagger into the bowels of the constitution? This doubt is increased by the notion that prevailed touching the invalidity of the statute of the * 16th Car. I. c. 7. whereby that Parliament was not to be dissolved but by an act of Parliament. No act of Parliament was ever made for that purpose; which would certainly have been done, had the subsequent Parliament thought that a law made in diminution of the people's interest in the legislature had been valid.

* By an act of the convention that met in April 1660, the long Parliament that met in 1640 was declared to be dissolved: But that act was not confirmed by Parliament, as most of the other acts of that convention were by the statute of the 13th Car. II. c. 7.

I should be very willing to hear answered what a worthy member (who just now spoke for committing the bill, and owned his sentiments altered touching the triennial act) has told the world in an excellent treatise of his, * *That no people can give away the freedom of themselves and their posterity : That such a donation ought to be esteemed of no greater validity than the gift of a child, or of a mad-man : That people can no more part with their legal liberties, than Kings can alienate their crowns.*

Every body is sensible that the public occasions will require large supplies; and should so much as a doubt arise in mens minds touching the legality of the taxes, it will tend to increase the general dissatisfaction, (so often mentioned in this debate) and subject us to a hazzard there is no occasion to run, did we content ourselves with proceeding in the common methods, which the usage of many ages does justify. For these reasons I am against committing the bill.

Mr. Speaker,

I AM very sensible under what disadvantage I must speak after so long a debate: I will therefore endeavour to contract what occurs to me on this subject, and to avoid repeating what has been said before by other Gentlemen: And in what I have to offer, I shall observe this method; I will first consider the arguments that have been used for this bill, and then give my reasons why I am against it.

The arguments for the bill are, I think, chiefly these:

The expences in elections.

* *Preface to the history of Denmark.*

Sir Robert
Raymond's
speech.

The animosities and divisions made and continued by triennial elections.

The advantages our enemies may take of these animosities and divisions: And

The encouragement (I think no Gentleman has spoke plainer) that this bill will give to our allies to treat with us, and to enter into proper alliances for our mutual benefit and advantage.

As to the expences in elections, it must be acknowledged that they are grown very scandalous, as well as grievous and burthensome to the Gentlemen of *England*. They have increased upon them, not from the contests of neighbouring Gentlemen with one another, but from strangers (by what influence or direction I cannot tell) coming to their boroughs, who have no natural interest to recommend them, nothing but bribery and corruption, which has put Gentlemen under the necessity of great expences to preserve their interests, and to serve their country. And you must give me leave to add, that another cause has been the impunity that bribery and corruption have met with in this house, when they have been very notorious, and very fully detected. But, I fear, this bill can be no cure to that evil, it will rather increase it; for as the term of the continuance of a Parliament is prolonged, so the expences will increase with it. An annuity for seven years, deserves a better consideration, than one for three; and those that will give money to get into Parliament, will give more for seven than for three years. Nothing will so effectually prevent expences, as annual Parliaments: That was our ancient constitution, and every departing from it, is usually attended with great inconveniences.

As for our animosities and divisions, I am sorry there are any, but cannot believe this bill will be a remedy for them. The animosities and divisions

vifions raised by elections, are of a private nature, and little affect the public; those that do, are otherwise to be accounted for, which might have been extinguished; but the opportunities have been neglected, and I wish some Persons have not studied rather to continue and increase them, than to extinguish them. I will speak plainly on this occasion. I think the greatest animosities and divisions, the greatest discontents and uneasinesses, now among us, have been owing to the unreasonable resentments, avarice, and ambition of some, and to the unaccountable folly and madness of others.

That our enemies will take advantage of our divisions, is not to be doubted, if it is in their power; but I must observe, that since the triennial act passed, there have been ten several Parliaments called, most of them when you were actually in war, your animosities and divisions great, and your enemies vigilant; yet no inconveniencies followed, nor were any, as I have heard of, so much as attempted at the times of those elections.

The last of the arguments I have recited, is the encouragement this will give to your allies to enter into treaties with you. No one says they want this encouragement; no one says they ask it; so that I may conclude this is only a pretence. I should be sorry we had such allies as would not treat with his Majesty without our giving up our constitution. Should the like be asked of them, they would certainly entertain such a proposition with the contempt and indignation it deserved. But what you are now going to do, instead of strengthening the King's hands, will, I am persuaded, lessen him in the opinion of his allies; for this is proclaiming to the world, that he dares not call a new Parliament; that he dares not trust
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the people in a new choice. Besides, not daring to call a new Parliament, carries along with it a supposition to the dishonour of this house ; for it supposes that another house of Commons would act differently from the present ; which is to confess that this house does not truly represent the people ; that they and their representatives are of different minds ; and that if they were to chuse again, they would chuse men of other principles, and of other sentiments.

I will not trouble you farther with answers to the aguments for this bill ; those against it, that weigh most with me, are these : That frequent new Parliaments are our constitution ; that a long Parliament is plainly destructive of the subjects just right, and many ways inconsistent with the good of the nation. Is it reasonable any particular men should for a long time engross so great a trust, exclusive of others ? Can it be of advantage to the public, that the counties, cities, and boroughs, should be long confined to those they have once chosen, their interests admitting of great variation in length of time ?

Frequent new Parliaments are our constitution, and the calling and holding of them, was for many ages the practice. Before the conquest, Parliaments were held three times every year, at *Christmas*, *Easter*, and *Whitsuntide*. In *Edward the III*d's time it was enacted, *That Parliaments should be holden every year once, or oftner if need be*. This must be understood of new Parliaments, for prorogations and long adjournments were not then known ; they were never heard of till later years. They began in *Henry the VIII*th's time, that Prince and his Ministers knowing long Parliaments were best fitted to make great changes. They were therefore inventions when extraordinary things were to be done, when what was then
the

the church, was to be altered, and the church-lands to be taken away. There is nothing of this sort now, I hope, intended. From that time our histories tell us, that whenever the same Parliaments were long continued, or the meetings of Parliaments long discontinued, they gave great uneasiness. In the unfortunate reign of King Charles the Ist, there had been an intermission of Parliaments twelve years, which produced an act in the sixteenth year of that King, *for preventing the inconveniencies happening by long intermission of Parliaments*. That act, in the preamble, recites the law made in the reign of Edward the III^d, that Parliaments ought to be held every year once; but that the appointment of time and place belonged to his Majesty and his royal progenitors: And that it had been found by experience, great inconveniencies and mischiefs had happened to the King, and to the commonwealth, by not holding Parliaments accordingly; and for prevention of the like for the future, it enacts, *That the said laws shall be strictly observed; and that in case there be an intermission of the sitting of Parliaments for three years together, if there is a Parliament in being, that Parliament shall be dissolved*; and very extravagant powers were given for the calling and assembling of another; and every such Parliament was not to be dissolved for fifty days, without their own consent. This extraordinary step was soon followed by another, an act, *That the Parliament should not be dissolved, prorogued, or adjourned, but by act of Parliament; nor the houses of Parliament adjourned but by themselves respectively*. I need not be particular in recounting the consequences of this act of Parliament; for every one knows, that set of men, when they had thus continued themselves, never stopped till they had murdered the best of Princes,

and

and entirely subverted our constitution both in church and state.

Soon after the restoration of King *Charles* the II^d, the act for the preventing the inconveniencies happening by the long intermission of Parliaments, was repealed, because derogatory to the prerogative, and because it might be an occasion of many mischiefs and inconveniencies, and endanger the public peace and safety; but at the same time it is declared and enacted, *That because, by the ancient laws and statutes, Parliaments are to be held very often, the sitting and holding of Parliaments shall not be intermitted above three years at the most.* This law not having been so well observed as it ought to have been: At the revolution, in the Convention-Parliament, when it was thought necessary to declare the rights and liberties of the subject, after many breaches had been made upon them, it was, among other things, declared, *That Parliaments ought to be held frequently.* And what follows in that act, is very strong, for it declares and enacts, *That all and singular the rights and liberties asserted and claimed in the said declaration, are the indubitable rights and liberties of the people of this kingdom, and so shall be esteemed, allowed, adjudged, and taken to be; and all the particulars thereof shall be firmly and strictly holden and observed, as they are expressed in the said declaration.* The right claimed and asserted, is, that Parliaments ought to be held frequently; and soon after a new Parliament was called, which sat annually: But this was not looked upon to be a complying with the right claimed, and therefore, after that Parliament had sat three times, in the fourth session it was thought necessary to come to a farther explication, and a bill passed both houses, but was rejected by the throne, for the frequent meeting and calling of Parliaments.

Others

Others were attempted in the next session, and it is well known how they came to miscarry in this house; but in the succeeding session, a bill passed both houses, and had the royal assent. That is the act this bill is to alter: But before it is altered, I hope it will be shewn, that what is asserted in the preamble, is mistaken, and has proved otherwise. In the preamble two things are asserted, *That by the ancient laws and statutes of the kingdom, frequent Parliaments ought to be held; and that frequent new Parliaments tend very much to the happy union and the good agreement of the King and his people.* The first proposition is incontestable; and the latter, I think, will not be denied; for frequent and new Parliaments create a confidence between the King and his people, a very necessary step towards an union and good agreement. If the King would be acquainted with his people, and have more the hearts of them, this is the surest way; and I am persuaded this house will never consent to any thing that may prevent the one, and intercept the other.

I cannot entertain so unworthy a thought of this house, that any Gentleman in it would at this time, in direct terms, be for perpetuating themselves; yet if they consent to this bill, I shall reckon they are doing it; for though it only prolongs this Parliament for seven years, I cannot doubt but hereafter there will be another for continuing it longer; because, before the end of this term, the reasons will probably be stronger for it, than they are now: Neither can I imagine that Gentlemen are afraid to trust the people's choice again: Do they think that the great and memorable things this Parliaments has done for the service and benefit of their country, will make them less acceptable to the people? No one will say so; and then I see no reason why they should be for making

making this alteration in our laws and constitution, which will certainly have a very ill effect upon the minds of the people: For they will be ready to say, and with reason, that after the expiration of the three years, you are no longer their representatives, because they chose you to serve them no longer. With great submission I speak it, in my poor opinion, King, Lords, and Commons, can no more continue a Parliament beyond its natural duration, than they can make a Parliament. I know at extraordinary junctures, conventions have been turned into Parliaments; but it has been thought advisable soon to determine them, and to pass acts in the subsequent legal Parliaments, to confirm what they have done. And I make no doubt, but (if this bill passes into a law, and this Parliament is continued more than three years) there will be an act in the succeeding Parliament, to confirm whatever shall be done for the three years. There is an instance in your statute-book, where all the acts of a Parliament were declared void, and repealed, because the Parliament was unlawfully summoned, and the members not duly chosen.

I need not urge farther, that the wisest governments that have preserved a face of liberty, have never continued those long, with whom they have intrusted the supreme power. That by this bill, you have all the mischief of a long Parliament, without any of the good of a short one.

That a standing Parliament, and a standing army, are convertible, and only necessary to support one another.

And that there can be no reason for this bill at this time, because this Parliament may have two more sessions, if the King pleases.

But I have already taken up so much of your time, I shall only add, that for the reasons I have given, I am against committing this bill.

These

These are the chief arguments that were urged on either side, for and against the bill; and upon the whole matter it was resolved, by a majority of 284 against 162, That the bill be committed to a Committee of the whole house.

The day following [*April 25*] two petitions against the said bill, one of the borough of *Horsbarn* in *Suffex*, the other of *Westburg* in *Wilshire*, were presented to the house and read: The last of them was ordered to lie on the table; but the house taking offence at an expression in that from *Horsbarn*, viz. *That they looked upon it as an overturning of the constitution, and as an infringement of their liberties*, rejected their petition. Then the house, in a grand Committee, of which Mr. *Hampden* was Chair-man, went through the bill, and directed it to be reported without any amendment; which being done, the house ordered it to be read the third time the next day. *April 26*, two other petitions against the said bill, one of the borough of *Cardiff* in the county of *Glamorgan*, the other of the borough of *Petersfield* in the county of *Southampton*, being presented to the house, and read, were ordered to lie upon the table. After which, the bill was read a third time, and upon Mr. *Hampden's* motion, the question was put, That the bill do pass; which occasioned a debate that lasted about two hours. Those who spoke against the bill, were, Mr. *Freeman*, Mr. *Hungerford*, Mr. *Fuller*, Mr. *Wykes*, the Lord *Finch*, and some others; who were severally answered by Sir *Richard Steele*, Mr. Comptroller, Sir *William Thompson*, Mr. *Erle*, Mr. *Tufnel*, Mr. *Morris*, and Sir *John Brownlow*. Mr. *Freeman* and Mr. *Hungerford* having, among other things, insisted, that no satisfactory answer had yet been made, either as to the trust reposed in the Commons by their principals, or as to the repealing the triennial act NOW; Mr. *Tufnel* made thereupon the following speech.

Mr.

Mr. Tufnel's
speech.

Mr. Speaker,

I Think the only question before us is, Whether the *triennial act*, as it now stands, or as it is proposed to be altered by this bill, is likely to conduce more to the benefit of the public?

However, since in this debate there has been a good deal said of the constitution of Parliaments, I must beg leave to mention a word or two, on that subject.

That Parliaments were anciently to be held *annually*, appears by two acts made, the one in the 4th, the other in 36th of *Edward III.* But though they were to be held annually, or oftner if occasion should be, in order to remedy the grievances of the people, yet I cannot find that there ever was any time limited for elections: But as the crown had always the power of dissolving, so likewise of calling a Parliament whenever they thought fit.

There was indeed a triennial act made in the 16th of *Charles the 1st*, to *prevent the inconveniences which may arise by the long intermission of Parliaments*; and therefore it provided, *That there should be a session once in three years*; but by no means limited any time for the duration of Parliaments. This act was repealed in the 16th of *Charles the 2d*, because there were some provisions made in it, which were looked upon as a derogation to the rights of the crown.

I believe I may venture to say, the first restriction which ever the crown lay under, as to the continuance of Parliaments, was in the 6th of *William and Mary*. Then sprung up the triennial law, which is the subject of our present debate; and which, however was designed, was certainly an innovation, till then unheard of. So, what is now offered in this bill, is only, in some measure

measure, to re-instate the crown in that power which it had always enjoyed. And I can't but be surprized, that those gentlemen who have hitherto boasted themselves to be the zealous assertors of the prerogative of the crown, should of a sudden be so fond of a law, which undoubtedly is a very great diminution of it.

I hope I shall not be misunderstood, as if this were the only reason which induces me to approve of the present bill: No, though I shall always have a due regard to the prerogative, yet if I could imagine that this bill would prove the least detriment to the public, the least infringement of the liberties of my fellow-subjects, my vote should never flatter any crown so far, as to revive such a prerogative.

The design of this bill is only to enlarge the time for the continuance of Parliaments, by making them septennial, instead of triennial.

Of the law, as it now stands, we have already had the experience about two and twenty years; and what advantage have we gained? Has it ever answered one single end for which it was intended? On the contrary, has it not produced the most mischievous effects? What endless divisions has it created among neighbours, friends, nay, the nearest relations? How has it ruined gentlemens estates? Made them not only beggars, but slaves to the very meanest of the people? What a scene of corruption has it every where introduced? How has it debauched the morals of the nation? Even the administration of provincial justice, which has always been esteemed the glory of our constitution, has been infected: And I wish the infection may have reached no farther.

These are some of the fatal consequences we have already experienced by this triennial law; and those alone, in my humble opinion, would

be sufficient reasons for the alteration of it. However, let us consider the present circumstances of our affairs. In order to it, let us a little look back to the original of our misfortunes: And are they not owing to that unreasonable cry of the danger of the church, under the specious pretence of supporting the church of *England*, though manifestly in favour of that of *Rome*? That unhappy delusion, which has been so industriously, so maliciously spread, and so fatally indulged: Let us consider that unnatural, unprovoked rebellion, which has so lately raged among us; and that sullen groundless spirit of discontent which still lies murmuring in so many traitorous breasts.

And notwithstanding that indifference, nay contempt, with which I hear the argument of our alliances treated by some gentlemen, I must own I can't but think there ought to be a good deal of stress laid upon it: For how can we imagine that any foreign powers will readily enter into any treaties with us, for our advantage, without some security that they shall be made effectual, as long as our government is subject to such a fluctuation, and as it were triennial? Especially if it be considered in how shameful, how infamous a manner the grand alliance was broken; the Faith of treaties violated; the credit of this nation sunk; its interests betrayed; our ancient and best Allies abandoned, and ill treated; new ones sought for, and carested, with no other design, but to make us a more easy prey to the Pretender? Nay, have we not too just ground to suspect that this cause has, all along, been underhand supported by these very Allies, the old inveterate enemies of our constitution, who are always envious of our prosperity, and only wait a fair opportunity to give us fresh disturbances? And could their vigilance, their artful management, and their trea-

sure,

sure, joined with the unwearied endeavours of a restless faction at home, procure an election in their favour, what would be the consequence, but to unloose the doors of your prisons, to set traitors once more at the head of your affairs, to give them an opportunity of re-acting their former unfinished scenes of treachery, to make you a tributary province to *France*, and for ever compleat the ruin of these kingdoms?

To see the *British* honour thus prostituted, the once arbitress of *Europe*, thus insulted; these things, I say, ought to raise in every *British* breast a just resentment of the injuries of his country.

After all, I am sensible there have been several objections made against this bill, which carry an air of popularity with them; yet which, upon examination, must appear to be of no real weight. I shall take notice of but one or two of the most considerable, lest I should trespass too far on your indulgence.

It is said, our electors chose us their representatives but for three years, and that we can't prolong the term without betraying that trust which they have reposed in us. In answer to which, I must desire gentlemen to consider the nature of the writs of summons, and the returns to them: Is it not to consult *de rebus arduis Regni*? and that they should have *plenam et sufficientem potestatem pro se et communitate comitatus prædicti et prædictorum civium et burgorum*, divisim ab ipsis, *ad faciendum quod de communi consilio ordinari contigerit in præmissis*: Ita quod pro defectu hujusmodi potestatis negotia prædicta infecta non remaneant? Nay, may not the same objection be made against the repealing or altering any law in force at the time of an election, and consequently defeat the very end for which a Parliament is chosen? And

I should be glad to know what particular authority they were invested with, who made the triennial law, which was certainly a great alteration of the constitution.

There is another thing which I find is very much insisted on, and that is, supposing this bill were reasonable, yet why now? Because 'tis now there's the most occasion for it. Are we not every day threatened with new insurrections, new invasions? And is it not the prospect of success at the next election, however ill-grounded, which still keeps alive the spirit of *Jacobitism*?

No wonder then there are such clamours raised without doors against this bill, by the enemies to our government, as well knowing that this must prove its best security; that it must effectually defeat their measures; that it must strike at the very foundation of all their traiterous designs; and for ever blast the Pretender's hopes of rekindling the flames of rebellion. In short, I am so entirely convinced, not only of the reasonableness, but of the absolute necessity of this bill, in order to put an end to our unhappy divisions, to stop that raging deluge of corruption which is so universally spread throughout the whole nation, to make the crown sit easy on his Majesty's head, and perpetuate the Protestant succession in his royal family; and at the same time, that it is no ways prejudicial to the rights and liberties of the subjects of *Great-Britain*; that how ill soever a recommendation it may be to any future election, if I can have but the pleasure to see my country secured, to see these blessings fixed upon a solid and lasting foundation, and if I can have but the honour to contribute the least share towards so glorious a work, my ambition will be sufficiently rewarded, tho' I should, by this day's vote, for ever after be excluded a place in this house.

These

These were the chief arguments that were urged on either side, for and against this bill; and upon the whole matter, the question being put, that the bill do pass, it was carried in the affirmative by a majority of 264 votes against 121; and Mr. *Hampden* was ordered to carry the bill back to the Lords, which he accordingly did the next morning, (April 27) accompanied by many members of the house of Commons.

The other most material transactions in Parliament, to the conclusion of the session, are as follow.

On the 11th of *February*, the Lords read a second time the *bill for a land tax*, which was referred to a Committee of the whole house the *Monday* following. The friends of the *last ministry* being offended at the *preamble* of that bill, the Earl of *Abingdon* moved, that all the Peers in town might be summoned to attend that Committee, which was done accordingly. The said *preamble* is as follows:

Most gracious Sovereign,

WE your Majesty's most dutiful and loyal subjects, the Commons of *Great-Britain* in Parliament assembled, having hearts filled with the utmost gratitude to your Majesty, for the tender concern your Majesty, on all occasions, expresses for the extraordinary burthen this *unnatural rebellion* makes necessary to be laid on your faithful subjects, for preserving all their rights, both sacred and civil, and for your Majesty's unprecedented goodness, in giving up all such estates for the use of the public, and in ease of your people, as shall be forfeited by this rebellion; the raising, or the dreadful consequences thereof cannot, by the most implacable of your Majesty's enemies, be ascribed to any one act done by your Majesty since your

accession to the Throne of your ancestors ; but even they will allow, that all the mischiefs, burthens and calamities, which shall attend this *horrid rebellion*, are, in truth, *owing to the fatal and pernicious counsels given by some persons in the late administration*, when under pretence of procuring peace abroad, the present destructive war was projected to be brought into the very bowels of our native country at home, when a *Popish* army (part of which God has delivered into your Majesty's hands) was designed to be the protector of our holy religion ; and when under the false colour of paying the public debts, (tho' their true design was to deliver us bound into the power of the *ancient enemy* of these kingdoms) the same evil counsellors contrived unnecessarily to encumber, for a long time to come, (if not for ever) several considerable branches of the public revenues, which for many years past, had, from time to time, been useful to support the public expence ; which revenues, in former administrations, to the end, that upon the conclusion of an happy peace, which we had then reason to expect, the subjects of these realms might have reaped the fruit of a successful, tho' expensive war. And we your Majesty's said dutiful and loyal subjects, being fully resolved to maintain your Majesty's just title to the Imperial crown of these realms, against all enemies and traitors whatsoever ; and for that end, purposing to raise such supplies as are necessary to defray your Majesty's public expences, have cheerfully and unanimously given and granted, &c.

On *Monday* the 13th of *February*, the Lord Harcourt, late Lord Chancellor, went early to the house of Peers, and caused the journals to be diligently searched, for *precedents of amendments* made by the Lords to a *money bill*. But few, if any, could be

be found, at least since the *Restoration* in the year 1660, from which time the Commons would never suffer the Lords to make alterations in bills of that nature. When the grand Committee was sat, several Lords made speeches against the *preamble* in question, as *prejudging matters of a very high and important nature, the cognizance and determination of which properly belongs to the house of Peers*. The Courtiers and other *Whig* Lords were sensible that this objection was well grounded; but being unwilling, on the other hand, to put a stop to a bill of so great importance, at this critical juncture, an expedient was proposed, and admitted, *viz.* That they should enter into their journal a kind of *protest* or *declaration*, importing, in substance, 'That, tho' the said *preamble* was derogatory to the privileges and authority of the house of Lords, yet their Lordships, in consideration of the King's and the nation's service, in this dangerous conjuncture, were willing to give their concurrence to the said bill, without amendments; but that the same should not be drawn into a precedent for the time to come, or construed to be any diminution of the judicial authority of the house of Lords.' The Lord Chancellor *Cowper*, and the Lord *Harcourt*, were appointed by the Lords to draw up the said *protest* or *declaration*, which was entered in the journal of the house.

Upon a message sent from the Lords to the Commons, on the 2d of May, That their Lordships had passed a bill, intituled, *An act for allowing of Counsel to all persons who shall be proceeded against in Parliament for any crimes of treason, or misprision of treason*, to which they desired the concurrence of the Commons, the said bill was read the first time; and after some debate, the question being put, *That it be read a second time*, it passed in the negative. Here

we may take notice, that there is a law in force, for allowing counsel to all persons in cases of treason, or misprision of treason, provided the said counsel confine themselves to speak to matters of law only: But by this bill which the Lords had passed, they were also to be permitted to speak to matters of fact; which the Commons would not consent to, and therefore rejected the bill.

After this, nothing of great moment passed in Parliament, 'till the middle of the next month; some time before which, the King had resolved to visit his dominions in *Germany*, but it being provided by the act of settlement, That no person who should thereafter come to the possession of the crown, should go out of the dominions of *England*, *Scotland*, or *Ireland*, without consent of Parliament, the court had been some time in suspense how to get over that restriction; the asking the Parliament's consent, either by message or otherwise, being thought derogatory of the royal prerogative; of which some members of the house of Commons being made sensible, Sir *John Cope* moved, on the 15th of *June*, That so much of the act of the 12th and 13th years of the reign of his Majesty King *William* the III^d, intituled, *An act for the farther limitation of the crown, and better securing the rights and liberties of the subjects*, might be read, as enacts, *That no person who should thereafter come to the possession of the crown, should go out of the dominions of England, Scotland, or Ireland, without consent of Parliament*: The same was read accordingly, and then, upon his motion, in which he was seconded by Mr. *Hampden*, it was resolved, *nemine contradicente*, That a bill be brought in for repealing the said clause; and that Sir *John Cope* and Mr. *Hampden* do prepare and bring in the same.

On

On *Monday* the 18th of *June*, Sir *John Cope*, according to order, presented the said bill to the house, where it was, that day, read twice, and, without going through a Committee, ordered to be engrossed. This bill was drawn up by Mr. *Hampden*, as follows:

WHEREAS it has pleased Almighty God to place his Majesty on the Throne of his ancestors, and farther to bless these nations with a numerous progeny of his said Majesty's royal family, and in particular, with a Prince endowed with all virtues and qualifications requisite to render posterity flourishing and happy: And whereas it is agreeable to the ancient constitution of these kingdoms, that the person of the King should freely enjoy all and every the just and undoubted rights, liberties, and privileges of the crown: And whereas by an act of Parliament passed in the 12th and 13th years of the reign of our late Sovereign Lord King *William III*, of glorious memory, intitled, *An act for the farther limitation of the crown, and better securing the rights and liberties of the subjects*, It was (among other things) enacted, That no person who should thereafter come to the possession of the crown, should go out of the dominions of *England*, *Scotland*, or *Ireland*, without consent of Parliament: which restriction may prove inconvenient with regard to the service of our Sovereign Lord the King, (by God's mercy now possessed of the crown) and of his heirs and successors: Be it therefore enacted, That the clause in the said recited act contained, and the restriction by the same clause meant or intended, are, and shall be repealed, and shall for ever be, and be deemed and taken to be void, and of none effect; any thing in the said recited act, or any other act, to the contrary notwithstanding.

June

June 19, The said bill was read the third time, passed *nemine contradicente*, and sent up to the Lords by Sir John Cope.

On the 26th of June, the King went to the house of Peers, and the Commons being sent for up, and attending, his Majesty gave the royal assent to several public and private bills, after which, he declared from the Throne, That he had ordered the Lord Chancellor to deliver his speech to both houses of Parliament, in his Majesty's name and words: And the Lord Chancellor did accordingly read the following speech delivered into his hands by his Majesty from the Throne.

My Lords and Gentlemen,

The King's
speech.

I Cannot put an end to this session, without expressing to you my satisfaction in the proceedings of this Parliament. The wholesome and necessary laws which have been passed with so much steadiness, resolution, and unanimity, will, I trust in God, answer those good ends which it is evident you have had in view, by defeating the designs, and reducing the spirit of our enemies, by encouraging our friends, and raising the credit and reputation of the nation abroad to such a degree, as that I may reasonably expect the fruits of a settled government; especially being supported by a Parliament zealous for the prosperity of their country, and the Protestant interest of *Europe*.

I am confident my conduct hitherto, in suppressing the rebellion, and punishing those concerned in it, has been such, as demonstrates I desire rather to lessen their numbers by reclaiming them, than by making examples; but am sorry to find that the numerous instances of mercy which I have shewn, have had no other effect, than to encourage the faction of the Pretender, to renew their insults upon my authority, and the laws of the kingdom,

kingdom, and even to affect, with the greatest insolence, to distinguish themselves from my good and faithful subjects, acting with such folly and madness, as if they intended to convince the world, they are not to be reduced to quiet, and submission to my government, by such gentle methods as are most agreeable to my own inclinations.

Gentlemen of the house of Commons,

I return you, in particular, my thanks for the supplies you have given; which, although they fall short of the sums you found necessary, and have voted, for the service of the whole year; yet, by the encouragement you have given to make them effectual, may, I hope, be so managed as to carry on the current service till another session of Parliament.

My Lords and Gentlemen,

I am very sensible there are matters of great consequence still depending before you; but as they have hitherto been postponed, out of absolute necessity, by intervening affairs of a more pressing nature, and of the most immediate concern to the peace and safety of the nation, I thought the season of the year required I should defer your farther proceedings till the next sessions rather than you should be detained out of your respective countries longer than could be consistent with your private concerns.

I cannot doubt but that, during this recess, you will all use your best endeavours to preserve the peace of the kingdom, and to discourage and suppress all manner of disorders, since, as the first scene of the late rebellion was opened and ushered in by tumults and riots; so you may be assured, upon what pretence soever they are raised, they can

can have no other tendency, but to support the spirit of a faction, restless and unwearied in their endeavours to renew the rebellion, and to subvert the religion, laws, and liberties of their country.

I design to make use of the approaching recess, to visit my dominions in *Germany*, and to provide for the peace and security of the kingdom, during my absence, by constituting my beloved son, the Prince of *Wales*, Guardian of the realm, and my Lieutenant within the same.

Then the Lord Chancellor, by his Majesty's command, prorogued the Parliament to the 7th day of *August* following.

After several prorogations, the *British* Parliament met the 20th of *February*. The most remarkable transactions of that sessions, are as follows.

ON the 3d of *April*, Mr. Secretary *Stanhope* delivered to the house the following message from his Majesty, viz.

GEORGE R.

The King's
message for
a supply a-
gainst Swe-
den.

HIS Majesty being desirous, above all things, not only to secure his kingdoms against the present danger, with which they are threatened from Sweden, but likewise to prevent, as far as is possible, the like apprehensions for the future, thinks it necessary, that such measures should be early concerted with other Princes and States, as may conduce most effectually to this end.

And as this may require some expence, his Majesty hopes that his Commons will, by their assistance at this juncture, enable him to make good such engagements as may ease his people of all future charge and apprehensions upon this account.

The

The consideration of this unexpected message was put off to the next day, when Mr. Secretary Stanhope made a motion, *That a supply be granted to enable his Majesty to concert such measures with foreign Princes and States, as may prevent any charge or apprehensions from the designs of Sweden for the future.*

Debates
thereupon.

Mr. Stanhope shewed the advantage and security that would redound to the nation, by enabling his Majesty to reduce the King of Sweden; and what confidence they ought to repose in the King's honour, wisdom, and oeconomy in the management of what money should be thought necessary for that service.

Hereupon Mr. Shippen said, among other things,

' That it was a great misfortune, that so wise

Mr. Shippen's
speech.

' and so excellent a Prince as his Majesty, was

' as little acquainted with the usage and forms

' of parliamentary proceedings, as with the

' language of our country: That if he knew

' either, he would not have sent such a message,

' which he was sure, was *unparliamentary* and *un-*

' *precedented*; and therefore it was his opinion, that

' the same was penned by some foreign Minister,

' and then translated into *English*. That since the

' King's accession to the Throne, there had been

' many reflections cast in that house, upon the *last*

' *ministry*, as if they had betrayed the interest of

' their country: That, on the contrary, they had

' often been told, that his Majesty had retrieved the

' honour and reputation of the nation, *the effects of*

' *which had already appeared in the flourishing condi-*

' *tion of our trade*. That after all this, he could

' not but be very much surprized, to find a motion

' made for a supply of money, to enable his Ma-

' jesty to enter into new measures, to secure his

' kingdom against any future apprehensions from

' the *Swedes*. That the necessity that was urged

' for this, seemed to be inconsistent with the ac-

' counts of those glorious advantages his Majesty

' had

' had obtained for us. And he could not help be-
 ' ing of the opinion, that if the new alliances and
 ' measures to be concerted, were such as were to be
 ' obtained purely by the force of our money,
 ' that the happiness or the security of the nation
 ' could never be the consequence of such counsels;
 ' for, whenever foreigners come to taste the sweetness
 ' of *English* money, we might depend upon it, that
 ' their adherence to our interest would last no longer
 ' than we continued to supply their necessities.'
 Mr. *Hungerford*, who seconded Mr. *Shippen*, said,
 among other particulars, ' That for his part, he
 ' could not understand what occasion there was for
 ' new alliances, much less, that they should be pur-
 ' chased with money; that it must needs be very
 ' surprizing to the whole world, that a nation, not
 ' long ago, the terror of *France* and *Spain*, should
 ' now seem to fear so inconsiderable an enemy as the
 ' King of *Sweden*; especially when we had so good
 ' a fleet at sea, and so great an army on land.'
 Some other speeches were made on the same side,
 which gave Mr. *Stanhope* occasion to say, *That he*
was very sorry to find gentlemen grow so warm upon
a subject of this nature; that the King was a Prince
of that integrity and honour, and had already given
such convincing proofs of his care for the true interest of
the nation, that they might entirely depend upon his
wisdom in this matter; and therefore he was of opi-
nion, that none would refuse compliance with this mes-
sage, but such as either were not the King's friends, or
who distrusted the honesty of his Ministers; or words
to that effect. This gave offence to several mem-
 bers; and Mr. *Lawson*, one of the Knights of the
 shire for *Cumberland*, replied thereupon, ' That he
 ' was very much surprized to find such unguarded
 ' expressions fall from that worthy and honourable
 ' Gentleman, for whom, he was sure, the whole
 ' house had a very great regard. But since he had
 thought

‘thought fit to speak so openly, he hoped he might
 ‘be well justified in saying, That if every member
 ‘of this house, that used freedom of speech on any
 ‘subject of debate, must be accounted an enemy to
 ‘the King, when he happens not to fall in with his
 ‘Ministers; he knew no service they were capable
 ‘of doing for their country in that house; and there-
 ‘fore it was his opinion, that they had nothing else
 ‘to do, but to retire to their country seats, and
 ‘leave the King and his Ministers to take what they
 ‘pleased.’ Mr. *Boscawen*, Comptroller of the
 household, Sir *Gilbert Heathcote*, Mr. *Horatio Wal-*
pole, and some other gentlemen, backed Mr. *Stan-*
hope’s motion; but *William Grimstone*, Esq; mem-
 ber for *St. Alban’s*, and some other *Whig*-members,
 spoke on this occasion, on the other side; and what
 was still more emphatically discouraging, was the si-
 lence of Mr. *Robert Walpole*, first Lord Commissioner
 of the treasury; upon which the court members
 moved, and it was accordingly resolved, *That the*
house would, upon the Monday morning next, resolve
it self into a Committee of the whole house, to consider
of Mr. Stanhope’s motion for a supply. After this
 it was also resolved, *to address his Majesty, that the*
treaty made between his late Majesty King William
(of glorious memory) and the present King of Sweden,
be laid before the house: Pursuant to which address,
 Mr. Secretary *Stanhope*, on Saturday the 6th of
April, laid before the house a copy of the *treaty*
with Sweden, the 16th of January 1699-1700,
 which was read.

April 8th, the Commons went into a Committee
 of the whole house, to consider of the motion of
Thursday last, for a supply to be granted to his Ma-
 jesty, against the designs of *Sweden* for the future;
 for the necessity of which, Mr. *Stanhope* alledged se-
 veral reasons, and was seconded by Mr. *Craggs*
Junior, Mr. *Boscawen*, Mr. *Aislabie*, and several
 others.

Farther de-
 bates in the
 house of
 Commons
 about the
 supply a-
 gainst *Swe-*
den.

others. On the other side, Mr. *Shippen*, Mr. *Hungerford*, Mr. *Hutchinson*, the Lord *Guernsey*, Mr. *Herne*, Mr. *Ward*, and some others, urged, that

‘ ’Twas unparliamentary to grant a supply, before
 ‘ the occasion was known, and an estimate of the
 ‘ expence was laid before the house: That the King’s
 ‘ message about this matter was so unprecedented,
 ‘ that his Majesty’s Ministers seemed to be divided
 ‘ about it; and that ’twas a great misfortune such
 ‘ divisions should happen among the ministry, for
 ‘ then a Parliament cannot have a true information
 ‘ of things. That they could not easily apprehend
 ‘ what occasion there was to make new alliances,
 ‘ since we had a standing army in *Great-Britain*, and
 ‘ a considerable fleet at sea, which sufficiently secured
 ‘ his Majesty’s kingdoms against any danger from
 ‘ *Sweden*; that if we designed to make an offensive
 ‘ war against that crown, why did we not send part
 ‘ of our forces on board our fleet; especially, since
 ‘ we were now secure at home, both by the sup-
 ‘ pression of the late rebellion, and by the conclu-
 ‘ sion of the triple alliance, which the Regent of
 ‘ *France* had begun faithfully to perform, by cau-
 ‘ sing the *Pretender* to pass the *Alps*. However, if
 ‘ the court insisted on the necessity of entering into
 ‘ new engagements against *Sweden*, they thought it
 ‘ proper to address his Majesty, to acquaint the
 ‘ house with the nature of those engagements, and
 ‘ the sum that was requisite to make them good.’

To this Mr. *Stanhope*, and some other gentlemen, answered in substance, *That the discovery of the late conspiracy carried on by the Swedish Ministers, in conjunction with the discontented party at home, sufficiently evinced the necessity of a standing army in Great-Britain. That the treaty of triple-alliance, seemed, indeed, to secure us against any danger on the part of France; but that it was to be observed, that the said treaty had met with so great opposition at the French court, that had not the Regent stickled strenuously for it,*

it, the same would have infallibly miscarried; and tho' bilberto, we had all the reason imaginable to commend the honesty and candour of that Prince; yet in good policy, we ought not to depend on that treaty any longer than it shall be the interest of France to observe it. And as for the address that was moved, it was answered, That the same would be injurious to the King's prerogative of entering into such alliances as his Majesty thinks necessary for the good and security of his dominions, without communicating the same to his Parliament: Which prerogative was grounded on very good reasons, for if the crown was obliged to impart the secret of affairs to so great a number of persons, the most important negotiations might thereby miscarry. Sir Gilbert Heathcote, who spoke on the court-side, mentioned the great losses and damages which the *British* subjects had sustained by their ships being made prizes, and confiscated in *Sweden*; and besides those contained in the printed account which was that day delivered to the members, produced a list of other losses not specified therein; concluding, 'That the King of *Sweden* having several times refused to make satisfaction for the same; and, 'on the contrary, his Ministers having endeavoured 'to raise a new rebellion in his Majesty's dominions, there was ground to declare war against 'him.' To this Mr. *Nathaniel Gould* replied, 'That the *Dutch* having sustained as great losses 'by the *Swedes*, they had an equal concern with 'Great-Britain to declare war against them; and 'therefore it would be proper, before we proceeded 'farther, to engage *Holland*, in the first place, to 'prohibit all commerce with *Sweden*, as we had 'done.' Hereupon Mr. *Stanbope* said, 'That he 'made no doubt, but the States-General would readily come into any measures that should appear 'necessary for the good and interest of both nations 'in general; and to obtain satisfaction for the late

' depredations of the *Swedes*, in particular ; that
 ' their High-mightinesses had lately given signal
 ' instances of their firm adherence to the crown of
 ' *Great-Britain*, in causing the *Swedish* Ministers to
 ' be seized in their dominions, upon his Majesty's
 ' desire : But that the form and constitution of their
 ' government, and the good of their subjects, who
 ' mostly subsist by trade, did not permit them
 ' to take such vigorous and speedy resolutions as
 ' could be wished, and therefore it would not be
 ' fair to exact the same from them.' Mr. *Craggs*
 Junior, pressed the necessity of making new alliances
 against *Sweden*, from the late doubtful conduct of
 a northern Potentate, (meaning, as 'twas supposed,
 the *Czar of Muscovy*) who, by his inactivity against
Sweden, and the loss some of his troops had taken,
 gave great umbrage to the Empire. Mr. *Robert*
Walpole, Mr. Attorney and Mr. Solicitor-general,
 the Lord *Molesworth*, and some others, spoke also
 on the same side ; and Sir *William Thompson* in par-
 ticular urged, *What would the world think of this*
Parliament, if they should refuse to supply the King at
this exigency ? On the other hand, to the great sur-
 prize of the generality of the assembly, Mr. Speaker,
 and *John Smith*, Esq; one of the tellers of the *Ex-*
chequer, though both eminently well affected to the
 present happy settlement, were yet of a contrary
 opinion to the rest of the courtiers, and said, that they
 were not against the *Supply*, but against the de-
 manding and granting of it in such an unparliamen-
 tary manner : And Mr. Speaker proposed, that
 part of the army should be disbanded, and the mo-
 ney thereby saved, applied towards the making
 good such new engagements as were thought ne-
 cessary to be entered into : But Lieutenant-General
Mordaunt, and some others, shewed how unsafe and
 impolitic it would be at this juncture to disband any
 of the troops. Mr. *George Caswell*, a Goldsmith,

closed

closed the debate by a short smart speech, which was much applauded: He said, among other things, 'That for his own part, he had rather pay others for fighting than fight himself; that he thought it more advantageous for *Great-Britain* to carry the war abroad, and enjoy peace at home, in order to improve our trade, and reduce our publick debts; and that, as the employing foreigners against *Sweden*, would be a far less expence than national troops, he therefore was for complying with his Majesty's message.' At last, about five a-clock in the afternoon, the question being put, upon the motion for a supply, the same was carried in the affirmative, by a majority of fifteen voices only, viz. 164 against 149.

The next day, Mr. *Farrer* reported the said resolution to the house, upon which there arose a fresh, but short, debate: Mr. *Shippen*, Mr. *Hungerford*, Mr. *Hutchinson*, Mr. *Smith*, Mr. *Herne*, and others of the opposing side, insisted again on the unparliamentariness of asking and granting supplies without an estimate of the expence; and proposed, either to present an address to the King, to assure him, that the house would effectually make good all the engagements his Majesty should think proper to enter into; or that his Majesty be desired to disband part of the army, and apply the savings towards the new alliances. Both these expedients were rejected by General *Stanhope*, Mr. *Robert Walpole*, Mr. *Horatio Walpole*, Mr. *Baillie* of *Ferwiswood*, and Mr. *Hampden*: and the latter, in particular, in answer to what was suggested, that *this manner of asking and granting supplies was unparliamentary and unprecedented*, said, *He remembered that about ten or eleven years before, a great man in that house made a motion, for allowing and providing for about nine hundred thousand pounds which the government had expended, without laying any estimate before the Commons.*

A supply
granted only
by a majori-
ty of four
votes.

To this Mr. Speaker, who was the person meant, said, 'He wondered that gentleman would bring
' in as a precedent, a business that was transacted so
' many years ago, and which was not parallel to the
' present case : ' Whereupon Mr. *Hampden* replied,
' That he did not thereby intend to reflect upon
' Mr. Speaker, since he had the honour to vote
' with him upon that occasion.' After some other
speeches, the *resolution*, for granting a supply to his
Majesty, to concert such measures, with foreign Princes
and States, as may prevent any charge or apprehensions
from the designs of Sweden, for the future, was agreed
to, though by a majority only of four votes, viz.
153 against 149 ; and it was ordered, that his Ma-
jesty's message of the 3d instant, be referred to the
grand Committee of the supply.

The Lord
Townshend
removed.

This hard-got success, which, in reality, was rather a defeat than a victory, could not but give the King some uneasiness ; and it being plain, that the great opposition which the court found on this occasion in the house of Commons, mainly proceeded from a party, of which the Lord Viscount *Townshend* was said to be the head ; and which was by some represented as tending not only to make a fatal distinction among his Majesty's servants, but even to carry things to greater extremities, his Majesty resolved to break that growing knot, which, at first, was thought might be done by the removal of the person who was the center of their Union. Hereupon, that very evening, Mr. Secretary *Stanhope*, by his Majesty's command, wrote a letter to my Lord *Townshend*, acquainting his Lordship, that his Majesty returned him thanks for his past services, but that his Majesty had no farther occasion for him as Lord Lieutenant of *Ireland*. This blow being struck, Mr. *Robert Walpole* resolved to prevent that which he imagined would infallibly be levelled next against him ; and accordingly on the 10th of April in the morning, he waited upon his Majesty, to re-
sign

sign his places of First Lord Commissioner of the Treasury, and Chancellor of the *Exchequer*. The King shewed great regret to part with so able a servant, and with many kind expressions, endeavoured to persuade him to keep his posts; but tho' Mr. *Walpole*, melting with generous sorrow, vowed never to swerve from his bounden duty to so good and so gracious a master; yet he, at the same time, represented, how impossible it was for him to serve his Majesty in the present circumstances of affairs. Mr. Secretary *Methuen*, and Mr. *Pultney*, Secretary at war, followed Mr. *Walpole*'s example, and the same morning resigned their respective places.

Mr. Robert
Walpole,
Mr. *Methuen*, and
Mr. *Pultney*
resign their
places.

On *Friday* the 12th of *April*, the Commons went into a Committee of the whole house, to consider of the supply granted to his Majesty; and Mr. Secretary *Stanhope* having made a motion, for granting to his Majesty the sum of 250,000 *l.* to enable him to concert measures against *Sweden*; there was for a minute or two a great silence in the house. Mr. *Pultney*, who broke it first, expressed his surprize at it; and added, among other things, 'That as for his part, he had not yet said any thing to this matter, because he thought it inconsistent with decency to oppose a motion that came from the court, while he had the honour to be his Majesty's immediate servant; but that having resigned his place, that he might act with the freedom becoming an *Englishman*, he could not forbear declaring against the granting a supply, in a manner altogether *unparliamentary* and *unprecedented*. That he could not persuade himself, that any *Englishman* advised his Majesty to send such a message; but he doubted not, but the resolutions of a *British* Parliament would make a *German* ministry tremble.' My Lord *Finch*, eldest son to the Earl of *Nottingham*, seconded Mr. *Pultney*, and even

Fresh debate
about the
supply.
April 12.]

Mr. *Pultney*'s speech.

The Lord
Finch's
speech.

found fault with some steps that had been taken in relation to the affairs of the *North*, saying, among other things, ' That it appeared by the memorial presented by the *Russian* Minister, and by the answer which had been returned to the same, that such measures were pursued as were like to engage us in a quarrel with the *Czar*.' Hereupon Mr. Secretary *Stanhope* made a long speech, wherein he fully vindicated the King and his Ministers, in relation both to the *Czar* and the King of *Sweden*.

Mr. Stan-
hope's speech.

With respect to the first, he said among other things, ' That hitherto he had been obliged to be silent ; but that he was now at liberty to set this matter in a clear light, and to acquaint the house, that the coldness which appeared of late between the King and the *Czar*, proceeded from his Majesty's refusing to become guarantee of his *Czarish* Majesty's conquests ; and from his Majesty's soliciting the *Czar* to withdraw his troops from the Dutchy of *Mecklenburgh*. That as to the first, his Majesty's conduct deserved the applause and the thanks of a *British* Parliament, since it appeared thereby, that his Majesty was tender not to engage the nation in foreign quarrels : That this, indeed, had been his Majesty's principal care since his happy accession to the throne ; and he might assure them, that *Great-Britain* was entirely free from any engagements, and at liberty to follow such measures as best suit with her interest. That as for the instances which his Majesty has caused to be made with the *Czar*, and the measures he may have concerted to get the *Russian* troops out of the Dutchy of *Mecklenburgh*, his Majesty has acted in all this as Elector and Prince of the Empire. That he was persuaded, all the gentlemen here would agree with him, that the King's dignity, as King of *Great-Britain*, was never understood to tie up his hands with respect to his interests in
' *Germany*,

Germany, and as Prince of the Empire: But besides, he must desire gentlemen to consider, that long before his Majesty's accession to the Crown, *Great-Britain* was in strict union with the Emperor and Empire; so that if, by virtue of ancient alliances, the Emperor should require *Great-Britain* to use those instances with the Czar, which the King has made only as Elector of *Hanover*, *Great-Britain* could not avoid complying with his request. That in relation to *Sweden*, the King's conduct was not only blameless and unspotted, but worthy of the highest commendations. That in the late Queen's time, *Great-Britain* interposed to procure a neutrality in the *North*, whereby the King of *Sweden* might have preserved his possessions in the Empire. That the regency at *Stockholm* agreed to this overture, but that the King of *Sweden* rejected it with haughtiness and the utmost scorn, declaring, he would use those as his enemies, who should pretend to impose such a neutrality upon him. That during the whole course of that negotiation, the King, then Elector of *Hanover*, used all friendly offices in favour of *Sweden*. That the same having proved ineffectual through the King of *Sweden*'s obstinacy, and the King of *Denmark* having, by the fortune of war, reconquered the Dutchies of *Bremen* and *Verden*, his Majesty, as Elector of *Hanover*, had purchased the same, with his own money, for a valuable consideration. Concluding, that altho' it never was in his Majesty's thoughts to engage *Great-Britain* in a war to support the acquisition, yet if gentlemen would give themselves the trouble to cast their eyes upon the map, and see where *Bremen* and *Verden* lie, he hoped they would not be indifferent as to the possessor of those two Dutchies, but would agree with him, that their being in the King's hands, suits far better with the interest of *Great-Britain*, than if they were in the

‘ hands either of the *Czar*, who gives already but
 ‘ too much jealousy to the Empire ; or of the King
 ‘ of *Sweden*, who endeavoured to raise a new re-
 ‘ bellion in *Great-Britain*, and harbours our fugi-
 ‘ tive rebels.’

Mr. *Smith's*
 speech.

This speech, which was delivered with becoming earnestness, and received with great applause, made a just impression on the majority of the assembly. However, Mr. *J. Smith* thought fit to answer Mr. *Stanhope*, and, among other things said, ‘ That he
 ‘ had already declared his reasons for opposing the
 ‘ granting this supply in such an extraordinary man-
 ‘ ner ; and that some expressions that had escaped a
 ‘ gentleman in the ministry, instead of making him
 ‘ alter his opinion, rather confirmed him in it.
 ‘ That as, on the one hand, he never affected po-
 ‘ pularity ; so, on the other, when the good of his
 ‘ country came under consideration, he always spoke
 ‘ his thoughts with the liberty that becomes an *Eng-
 ‘ lishman*, without any regard to the Ministers.
 ‘ That he did not pretend to be thoroughly acquaint-
 ‘ ed with affairs abroad ; but having had the honour
 ‘ to sit so long in that house, where so great a va-
 ‘ riety of business, both foreign and domestic, had
 ‘ often been debated, he might presume to have
 ‘ some knowledge of them. That, however, he
 ‘ would not say any thing to what had been advan-
 ‘ ced by the honourable member who spoke last,
 ‘ but if an estimate of the conduct of the ministry
 ‘ in relation to affairs abroad, was to be made by a
 ‘ comparison of their conduct at home, he was sure
 ‘ they would not appear altogether so faultless as
 ‘ they were represented. Was it not a mistake,
 ‘ (added he) not to preserve the peace at home,
 ‘ after the King was come to the Throne, with the
 ‘ universal applause and joyful acclamations of all
 ‘ his subjects ? Was it not a mistake, upon the
 ‘ breaking

' breaking out of the rebellion, not to issue a
 ' proclamation, to offer pardon to such as should
 ' return home peaceably, as had ever been prac-
 ' tised before upon such occasions? Was it not
 ' a mistake, after the suppression of the rebellion,
 ' and the tryal and execution of the principal
 ' authors of it, to keep up animosities, and
 ' drive people to despair, by not passing an act
 ' of indemnity and grace; by keeping so many
 ' persons under hard and tedious confinement;
 ' and by granting pardons to some, without lea-
 ' ving them any means to subsist? Is it not a
 ' mistake, not to trust to a vote of Parliament
 ' for making good such engagements as his Ma-
 ' jesty shall think proper to enter into; and
 ' instead of that, to insist on the granting of
 ' this supply in such an extraordinary manner?
 ' Is it not a mistake, to take this opportunity
 ' to create divisions, and render some of the
 ' King's best friends suspected and obnoxious? Is
 ' it not a mistake, in short, to form *parties* and
 ' *cabals*, in order to bring in a *bill to repeal the*
 ' *act against occasional conformity?*' To this speech,
 which was uttered with great emphasis, General
Stanhope only replied, ' That he had the ho-
 ' nour to serve his Majesty, since his happy ac-
 ' cession to the Throne, but as there were other
 ' persons, (some of them in, and others out of
 ' place) who had a greater share than himself
 ' in the administration of affairs, he left it to
 ' them to justify themselves. That however, he
 ' would clear a principal point, by assuring the
 ' assembly, that he had some time ago the King's
 ' order, to draw up an *act of indemnity.*'

Mr. *Barrington Shute* answered Mr. *Smith* more at
 large, and said among other things, ' That the
 ' King was, indeed, come to the throne with the
 ' joyful acclamations of most of his subjects; but
 ' that

Mr. *Barrington*
Shute's
 speech.

' that the disaffection that appeared soon after, did
 ' not proceed from the ill conduct of his Ministers,
 ' but solely from the removal of some persons in
 ' great employments; that nevertheless, in the
 ' changes that were then made, his Majesty had
 ' followed the rules of prudence, justice, and grati-
 ' tude; since he advanced those, who, in the worst
 ' of times, had given undoubted proofs of their af-
 ' fection and attachment to his interest, in the room
 ' of those who had been preferred in the last reign
 ' as the instruments to destroy the protestant suc-
 ' cession, even before it took place; and who had
 ' since been in open rebellion against his Majesty.
 ' That as for the other *mistakes* charged upon the
 ' administration, they might be reduced to these
 ' two, *viz.* the not passing the *act of indemnity*, and
 ' the design to repeal the *occasional bill*. That as to
 ' the first, there were various opinions about it;
 ' and considering the *restless spirit* of the discontent-
 ' ed party, it was hard to determine, whether an
 ' *indemnity* was a proper way to reduce them; since
 ' it was notorious, that the repeated instances of
 ' clemency which his Majesty has given since his
 ' accession, have been abused and despised. That
 ' as to the repeal of the acts against the *dissenters*,
 ' nothing, in his opinion, was either more just or
 ' reasonable; and he could not but wonder, that a
 ' Gentleman who had been turned out of his em-
 ' ployment in the last reign, and restored since the
 ' King's coming to the crown, should account it a
 ' mistake, on the one hand, not to grant an *indem-*
 ' *nity* to his Majesty's *declared enemies*, and a mistake,
 ' on the other hand, to make his Majesty's *undoubted*
 ' *friends, easy*.' Mr. Smith, after an explanation
 ' demanded, and given, about his being turned out
 ' of place and restored, replied to the last part of
 ' Mr. Shute's speech, ' That he ever was for allow-
 ' ing liberty of conscience to the *dissenters*, and had
 ' even voted against the *occasional bill*; but that the
 ' sam

Mr. Smith's
 speech.

‘ same being passed into a law, it was his opinion,
 ‘ that it could not be repealed without disquieting
 ‘ the whole nation.’

William Young, Esq; (son to Sir *Walter Young*)
 who spoke in the next place, said in substance,

‘ That some days before he had been against the
 ‘ motion for granting a supply upon the King’s
 ‘ message, because he thought it *unparliamentary* ;
 ‘ and it was then his opinion to address the King to
 ‘ enter into such engagements as his Majesty should
 ‘ think proper, and that the Commons would make
 ‘ good the same : But that since the majority of
 ‘ the house had determined to grant a supply, they
 ‘ had brought themselves to this *dilemma*, either to
 ‘ grant what was asked as necessary for the service,
 ‘ or to tell the King that that service must remain
 ‘ unperformed, which they had in a manner, de-
 ‘ termined to be necessary, by granting a supply.’

Mr. Young’s
speech.

This speech, though from a young member, had a great deal of weight, and was backed both by Sir *John Brownlow*, and by Mr. *Gould*, who owned,
 ‘ That we could not carry on our trade to the *Baltick* without bringing the King of *Sweden* to reason ; and therefore he was for granting this supply.’ Mr. *Robert Walpole*, who brought up the rear, said, among other things, ‘ That having already spoken for the supply, he would not refuse the court his vote ; and the sum being named, he was for granting it.’ Hereupon, most of the *Tory* members, who were divided among themselves as to the sum, went out of the house ; and so it was carried without dividing, ‘ That a sum not exceeding 250,000*l.* be granted, to enable his Majesty to concert such measures with foreign Princes and states, as may prevent any charge or apprehensions from the designs of *Sweden* for the future.’

Mr. *Farrer* having, the next day, reported this resolution to the house, the *Tories*, contrary to all expectation, endeavoured to render it ineffectual, by
 moving

moving that it should be *recommitted*. To debate this motion with the more freedom, Mr. *Bromley*, taking notice that several peers and others were got into the house; moved, that the house be cleared of all strangers; which being done accordingly; and the serjeant at arms having by order, summoned the members in the *court of requests*, and places adjacent, to attend the service of the house; Mr. *Shippen* made a long speech, and insisted on the recommitting of the resolution in question. He was seconded and supported by the topping men of that side, particularly by Mr. *Hungerford*, Sir *Thomas Hanmer*, Mr. *Herne*, and Mr. *Lawson*: But they were not a little surprized when they found, that instead of losing time in debating a matter that had already been thoroughly canvassed, the court-party called for the question; and the said resolution being read a second time, was agreed to by a majority of 153 voices against 132.

250,000 l.
granted.

An account
of the Earl
of Oxford's
trial.

His petition
to the Lords,
May 22.

On *Monday* the 24th of *June*, came on the long expected trial of *Robert Earl of Oxford* and *Earl Mortimer*, of which affair we shall give a *summary account*. In order to that, we must deduce it from the first *petition*, which the said Earl presented to the house of Peers, on *Wednesday* the 22d of *May*, setting forth, 'How long he had been confined, upon an impeachment brought up against him to their Lordships house, by the Commons of Great-Britain, for high treason, and other high crimes and misdemeanors; submitting his case to their Lordships consideration, and praying that his imprisonment might not be indefinite.' The Lord *Trevor*, who presented this petition, made a long speech in behalf of the petitioner; and was seconded and backed by the Duke of *Buckingham*, the Lord *Harcourt*, the Earls of *Nottingham* and *Abingdon*, and the Lord *North* and *Grey*. It was, among other arguments, suggested, that the impeachment

was

was determined and superseded by the prorogation of the Parliament; which, being opposed by the Lord *Coningsby*, a Committee of Lords was appointed to search precedents. Three days after, the Lord *Trevor* made his report from the said Committee, upon which the question was put, whether the Earl of *Oxford's* impeachment was superseded or determined by the prorogation? which occasioned a long debate. The Dukes of *Buckingham* and *Argyle*, the Earls of *Nottingham*, *Abingdon*, *Aylesford*, and *Ilay*, the Lord *North* and *Grey*, and some others, were for the affirmative: But the Earl of *Sunderland*, the Lord *Coningsby*, and several others, maintained the negative; and the Lords *Harcourt* and *Trevor* being of this last opinion, the question was carried in the negative by 37 voices against 45. After this, the Duke of *Buckingham* moved for the fixing a day for the trial of *Robert* Earl of *Oxford* and Earl *Mortimer*; upon which a Committee was appointed to search the journals of the house for precedents of the Lords proceedings in the like cases.

Resolution
that an im-
peachment
is not super-
seded by a
prorogation.

On *Monday*, the 27th of *May*, the Earl of *Nottingham* asked leave to enter his protest against the resolution of the *Saturday* before, which was readily granted; and after the dispatching of some private business, the Lord *Trevor*, from the Lords Committees, made a report, containing several precedents from the year 1666, to the year 1716, of the Lords appointing the day of trial upon impeachments of the house of Commons. The clerk having read the said report a second time, the Duke of *Buckingham* made a speech, wherein, among other things, his grace represented, 'That it concerned the whole Peerage of *Great-Britain*, to put a speedy end to this affair, because the Peers are chiefly liable to prosecutions of this nature. That he would not enter either into the merits of the cause, or into the reasons which the Commons

Duke of
Buckingham's
speech.

' had

' had for not prosecuting their impeachment; but
 ' that it was certain, that the Peer who occasioned
 ' this debate, had been confined about two years;
 ' that unless this house interposed, his imprisonment
 ' might become perpetual; and therefore since it
 ' appeared by so great a number of precedents as
 ' had been laid before them, that the Peers have an
 ' uncontested right to appoint the day of trial, they
 ' ought, in his opinion, to make use of that right
 ' on this occasion. That he doubted not but all
 ' the members of that assembly would readily agree
 ' with him, as to the thing itself, and if there were
 ' any difference of opinions among them, it would
 ' be as to the day. That considering the advanced
 ' season of the year, and the approach of summer,
 ' which rendered the being in town very disagree-
 ' able and incommodious, he thought not only
 ' both houses of Parliament, but the King himself
 ' would be glad of a recess, to go and enjoy the
 ' country air; and therefore he was for appointing
 ' a *short day*, and named the 6th of *June* next.
 The Lord *Ferrers* seconded the Duke of *Buckingham*;
 but the Earl of *Sunderland*, who spoke next,
 answered, ' That no man had a greater regard to
 ' the rights and privileges of the Peerage, or would
 ' do more to maintain them than himself: That
 ' on the one hand, he had a hearty concern for the
 ' sufferings of those who have the misfortune to lie
 ' under impeachments; that he had * already com-
 ' plained of the delays of the Commons in these
 ' prosecutions, because he thought the whole Peer-
 ' age concerned therein; but that, on the other
 ' hand, there might be just reasons for these delays;
 ' and therefore, in order to preserve a good corre-
 ' pondence between the two houses, he was either
 ' for sending a message to the Commons, to know
 ' whether they were ready for the trial of the Earl
 ' of *Oxford*, or to fix the 13th of *June* next for the
 ' said trial.' The Lord Viscount *Townshend*, who
 spoke

* viz. In
 the case of
 the Earl of
Strafford.

spoke next, said, that the *Saturday* before, when another question relating to this affair was under debate, the house seemed inclined to appoint a *short day*; that a noble Lord has made a *motion* for it; and so he was for the *6th* of *June*. Altho' his Lordship backed the Duke of *Buckingham's* opinion, yet his grace said, ' That noble Peer ought not to bring in a motion made before, as an instance of the sense and inclination of the house, *urging*, that a motion is nothing of itself, unless it be seconded, and afterwards confirmed by a vote; but that any member of that assembly was at liberty to name what day he pleased.' After this, my Lord *Coningsby* made a long speech, importing in substance, ' That it appeared, indeed, by the report of the Committee that had been read to them, that, in cases of impeachment, the Lords have the right to appoint the day of trial; but that it appeared, at the same time, that they had seldom exercised that right, till after they had been acquainted by the Commons, that they were ready for the trial. That if the Peers acted otherwise, on this occasion, the same might create a misunderstanding between both houses, which might be attended with dangerous consequences. That the Instance of the four Peers who were impeached towards the end of the late King *William's* reign, which was much insisted on, was an odious precedent, and such as, he hoped, would not be followed at this time. That therefore, it was his opinion, before they proceeded farther in this matter, to send a message to the Commons, to give them notice to prepare for the trial of the Earl of *Oxford*; and then, upon the answer of the Commons, the Peers might determine what they should think proper.' Urging, ' That this method appeared the more reasonable, because several accidents had intervened which had interrupted the proceedings of the Commons, and

in

Lord *Coningsby's*
speech.

' in particular, the prorogation of the Parliament.
 ' That he would charge no body with such a de-
 ' sign; but that he could not forbear saying, that
 ' the said *prorogation* seemed to have no other view,
 ' than to screen great offenders from the justice of
 ' the nation; and that this was the more apparent,
 ' from the struggle there was in that house, the
 ' *Saturday* before, to procure a vote, that the im-
 ' peachments were superseded by the *prorogation*.
 ' That this, however, was certain, that the Com-
 ' mons had thereby lost the *living evidence* they had
 ' in their hands, one *Prior*, one *Harley*, &c. having
 ' been set at liberty by the favour of the proro-
 ' gation.'

Several members seemed offended at his Lord-
 ship's naming persons in that manner; and the
 Lord *Norib* and *Grey*, who spoke next, said, among
 other things, ' That that noble Lord had been so
 ' long among the Commons, that he appeared to
 ' be very well acquainted with, and be much con-
 ' cerned for, their privileges; but that he must
 ' give leave to those who were born Peers to take
 ' care of their own. That the greatest preroga-
 ' tive of the Peers, was to be the supreme court
 ' of judicature; and as they were the *dernier resort*
 ' of justice, so he doubted not, but they would
 ' ever make justice the rule and standard of their
 ' proceedings. That the whole Peerage was con-
 ' cerned in the Earl of *Oxford*'s case; and there-
 ' fore he was for appointing the short day that had
 ' been named for his trial.' The Duke of *Buck-*
ingham, who backed this speech, animadverted,
 in particular, upon what the Lord *Coningsby* had in-
 sinuated about the *prorogation*, saying, ' That the
 ' same was arraigning either the royal prerogative
 ' of proroguing and dissolving Parliaments, when-
 ' ever the crown thinks it convenient, or the King's
 ' Privy-Council, who might advise the exercise of
 ' the said prerogative.' My Lord *Harcourt* made
 afterwards

afterwards a speech, wherein having, in the first place, shewed the necessity of putting an end to this affair, he said, ‘ They ought, in his opinion, to give the Commons a longer day than had yet been proposed; that on this occasion, they ought to proceed according to the rules of equity and justice, and even of the inferior courts, who the longer a cause had been suspended, by unforeseen interruptions, allowed the more time to the counsel to prepare for trial. That it was his opinion, that the *longer day*, provided it were *peremptory*, was the *shortest way* to make an end of this business; for if they appointed a *short day*, the same might occasion disputes and conferences between the two houses, which would take up a great deal of time. *Concluding*, It was to be hoped, that if the Peers allowed a reasonable time for the trial, the same would not be prevented by a prorogation; especially considering, how long the Peer who lay under an impeachment, had been confined.’ The Duke of *Buckingham* said thereupon, ‘ That he did not understand the paradox that was just now advanced, *viz.* That the *longest day* was the *shortest way* to come to a determination of this affair; that let the Peers appoint what day they think fit, yet the Commons have still a right to demand more time, nor can the Lords, in justice, deny it, if the Commons shew just reasons for their demand. And as for the *prorogation*, which ’twas apprehended might prevent the trial, the same entirely depended on the royal prerogative; and if such a thing should happen, no body could say any thing to it; *concluding*, That whatever he had said on this occasion, was merely out of regard to public justice, and to the prerogatives of the peerage; for, he hoped, no body would suspect him of partiality to the Lord who occasioned this debate.’ His Grace having done speaking, the question was put,

Lord Harcourt's speech.

Duke of Buckingham's speech.

The 13th of June appointed for the trial of the Earl of Oxford.

That the 6th of June be appointed for the trial of the Earl of Oxford and Earl Mortimer; which being carried in the negative by 85 votes against 44; then it was carried without dividing, that the 13th of June be appointed; and a message was immediately sent to the Commons to acquaint them therewith.

Committee appointed to manage the impeachment against the Earl of Oxford.

The Commons having, on the 30th of May, taken the said message into consideration, ordered, that a Committee be appointed to consider of the state of the impeachment against the said Earl. Several members of the *secret Committee* who first pushed on that prosecution, being called up to the house of Peers, such as Sir Richard Onslow, the Lord Coningsby, and Sir Robert Marsbam, others absent, and others grown remiss and indifferent in the matter; it was thought proper to supply those defects, by adding to the remaining members of the said *secret Committee*, the following persons, viz. Lawrence Carter, Esq; Sir William Thompson, Knt. Solicitor-General and Recorder of London; Mr. Serjeant Reynolds, and William Guidott, Esq; all eminent lawyers: And it was ordered, that the said Committee have power to send for persons, papers, and records, and to adjourn to such times and places as they should think fit. Upon their first meeting at the Cock-pit, the Committee chose Lawrence Carter, Esq; for their chair-man, in the room of Robert Walpole, Esq; who like several others, absented himself; and General Stanhope happening at this time to be indisposed, the Committee met several times without being able to do any business. This was the reason why four other persons were, some days after, added to the rest, viz. Mr. Secretary Addison, James Craggs, jun. Esq; Secretary at war, Sir Nathaniel Mead, serjeant at law, and William Joseph, Esq; an eminent lawyer.

June 3.

On Friday, the 7th of June, the Lords took into consideration, the petition of Robert Earl of Oxford

Oxford and *Earl Mortimer*, presented the day before, praying, ' That the counsel formerly allowed ' him by their Lordships, might be continued to ' him; and that *Sir Robert Raymond*, Knt. and ' *Mr. Reeves* might be added to them.' But several Lords having represented, that this last demand was irregular, the same was rejected. The Duke of *Buckingham* said, however, on this occasion, ' That as the whole Peerage was concerned in a ' prosecution of this nature, he would readily give ' his vote for granting the *Earl of Oxford's* request, if he thought it of any use to him; but ' that, in his opinion, all those who had impeached him of *high-treason* were by this time, ashamed of it; except, perhaps, one single person, ' who could be ashamed of nothing.'

About this time, the Lords addressed his Majesty, that he would be pleased to appoint a *High-Steward* for the trial of the *Earl of Oxford*; in compliance to which address his Majesty was pleased to appoint the *Lord High-Chancellor*.

On *Wednesday* the 12th of *June*, *Mr. Carter* reported from the Committee appointed to consider the state of the impeachment against *Robert Earl of Oxford* and *Earl Mortimer*, ' That the Committee ' had met several times, and made some progress ' in the matters to them referred; but that the ' prosecution of the said impeachment having been ' interrupted for so many months, by the intervention of many weighty and urgent affairs, which ' more nearly and immediately concerned the welfare, defence, and security of the kingdom; it ' was become absolutely necessary for those who ' should be appointed to manage the said impeachment, to review, and carefully peruse all the ' treaties, records, letters, and other papers proper ' and necessary for supporting this prosecution; ' which being very voluminous, it would be impossible, within the time appointed for the trial,

Report of
the said
Committee,
June 12.

Motion to demand farther time for the trial of the Earl of Oxford.

Great debate thereupon.

‘ to adjust and apply the proper evidence to the several articles.’ Hereupon it was moved, that a message be sent to the Lords, acquainting them with the reasons why this house could not proceed on *the trial of Robert Earl of Oxford and Earl Mortimer, at the time appointed; and to desire that the same might be put off to a farther day.* Hereupon there was, for two or three minutes, a silence in the house, the members looking upon one another, waiting who should speak first. At last, Mr. *Hungerford* being called upon by several gentlemen, rose up, and after a little flourish, spoke seriously to the matter before them, and in particular, took notice of the great hardships which the Earl of *Oxford* had undergone. Hereupon Mr. *Boscawen* expressed his concern, ‘ That a prosecution which the Commons had begun in so solemn a manner, and which was thought so necessary to vindicate the honour and justice of the nation, should, at last, be dropt; which, he was sure, would be a reflection on that house.’—Here again was a deep silence; and Mr. *Speaker* rising, in order to put the question, Mr. *Samuel Tufnel* took that opportunity to speak to the effect following:

Mr. *Tufnel*’s speech.

Mr. *Speaker*,
 ‘ I Have not as yet troubled the house upon any of the impeachments: However, since I have given my assent to every article exhibited against this noble Lord, I think it, in some measure, incumbent upon me, to declare the reasons why I did so. I am sure, there is no gentleman in this house, that at any time more unwillingly comes into any thing, that has the least appearance of severity towards his fellow subjects, than myself. And I can, with a great deal of sincerity affirm, that no personal pique, prejudice, or resentment, ever did, and I hope never will, influence my vote; especially when either the life, the fortune,

‘ or

' or the reputation of any man is concerned. What
 ' I did, I did out of a disinterested zeal ; out of
 ' an indispensable love and duty to my country :
 ' And whatever may be the fate of this prosecution,
 ' I then thought, and still am of opinion, that the
 ' measures which this noble Lord entered into, as
 ' *Prime Minister*, have, if I may be excused the
 ' impropriety of the expression, *laid a foundation*
 ' *for the ruin of his country*. I have already de-
 ' clared that I have, in every part of the accusation,
 ' voted against this noble Lord. As to the articles
 ' of *high crimes and misdemeanours*, I believe there
 ' is no body but thinks there was sufficient ground
 ' for them : As to the *high-treason*, where lay the
 ' only difficulty, I must freely own, had I consult-
 ' ed only my private opinion, I could scarce have
 ' thought it included in the 25th of *Edw. III.*
 ' But when an *honourable Gentleman*, who was then
 ' chairman of the *secret Committee*, undertook, in
 ' a fact which the house had already adjudged to
 ' be high-treason, to bring that matter as home to
 ' my Lord of *Oxford*, as the report had done to
 ' the then Lord *Bolingbroke* ; when he gave us all
 ' the assurances imaginable, that they had *living*
 ' *and legal evidence* to support the *charge* ; such, as
 ' it was almost the unanimous opinion of the Com-
 ' mittee, might be given in *Westminster-Hall* ; and
 ' he hoped, that since the house had thought fit to
 ' repose a confidence in them, it would not be ex-
 ' pected the evidence should be discovered, lest it
 ' might give them an opportunity of being sedu-
 ' ced : This, I say, and this alone swayed my opi-
 ' nion. I then considered myself acting not as a
 ' judge, but as a prosecutor. And when that very
 ' ingenious Gentleman, (whom I always hear with
 ' the greatest pleasure, and to whose judgment I
 ' always pay the greatest deference) I say, when
 ' his *honour*, his *understanding*, his *veracity*, his
 ' *every thing*, was so far engaged, the only question

‘ with me was, whether it was reasonable to undertake the prosecution, or no? And upon these considerations, I can’t but think I should have been extremely wanting in that duty which I owe my country, if I should have declined giving my vote to bring an offender to public justice; when, at the same time, I was fully convinced, that he had *betrayed the honour and the interest of the nation.*’

This pathetic speech roused the house of that kind of *lethargy* they seemed to be in; and Mr. *Bromley* taking notice that the dint of it was principally levelled at Mr. *Walpole*, endeavoured, in some measure, to vindicate him, by saying, ‘ That tho’ he was the Chairman of the secret Committee, yet if any thing was done amiss amongst them, it were hard to lay all the blame at his door, since the whole Committee were equally concerned in the impeachment.’ As to the matter now under consideration, Mr. *Bromley* added, ‘ That they had been told above a year and a half ago, that the evidence was ready: But that they ought not to give the Lords the trouble of going through the whole impeachment, since, in his opinion, twenty of the articles were altogether vain and needless.’ Some members being shocked at this assertion, Mr. *Bromley* immediately explained himself, saying, ‘ That if the two articles that were for high treason could be made good, the other twenty would be needless and insignificant.’ Mr. *Shippen*, who spoke on the same side, said, among other things, ‘ That this impeachment had been depending so long, that every body expected it would be dropt: And, indeed, unless the two articles of high-treason could be made good, he thought it unreasonable to give the two houses an unnecessary trouble about the other articles, by keeping them sitting in the hottest part of the Summer. That, after all, those who had first begun their
‘ im-

Mr. *Shippen*'s speech.

‘ impeachments, ought to be satisfied with having
 ‘ got the places of those that were impeached ; which,
 ‘ indeed, seemed to be what they had principally in
 ‘ view. That the truth of this appeared evidently
 ‘ from the behaviour of the gentleman who was the
 ‘ most forward and active in the impeachments,
 ‘ whose warmth was very much abated since he
 ‘ was out of place. That he did not mention this
 ‘ as a reflection on that gentleman, for whom he
 ‘ ever had a great respect ; but that he was afraid
 ‘ this would lessen him in the esteem of others.
 ‘ That for his own part, he was not in the least
 ‘ surprized at his conduct ; of which he had, of
 ‘ late, observed many instances, but that he ever
 ‘ disapproved it. That if he would have been a
 ‘ *time-server*, he might, as well as other people,
 ‘ have got some good employment ; but that he
 ‘ rather chose to be contented with a small private
 ‘ fortune, than betray his sentiments. And, as an
 ‘ instance, he added, he could never be guilty of so
 ‘ much *adulation*, as to compliment a certain person
 ‘ with the rank of *second General* (meaning the Lord
 ‘ *Cadogan*) to the prejudice of an honourable and
 ‘ worthy member of that house, (meaning General
 ‘ *Webb*) whose glorious actions had gained him an
 ‘ immortal name.’ Mr. *Hungerford* said thereupon,
 ‘ That for his own part, he ever was against im-
 ‘ peachments, because he had observed, that they
 ‘ generally come to nothing ; and as for the reflec-
 ‘ tion made by the worthy gentleman who spoke last,
 ‘ he supposed it was meant for some body else :’
 Looking, as he spoke this, towards Sir *Joseph Jekyll*,
 who sat near him, and who, some days before, had
 spoken in behalf of the Lord *Cadogan*. Sir *Joseph*
 justified himself, both as to this, and as to the share
 he had in the impeachment of the Earl of *Oxford* ;
 which ’twas easy for him to do, having, from the
 beginning, been against the articles for *high-treason*.
 After this, Mr. *Walpole* made a faint apology for
 him-

himself, saying, among other things, ' That he
' had of late looked over some of the most mate-
' rial papers relating to this impeachment, and, he
' was still convinced in his conscience, that the late
' ministry had given themselves up entirely, and
' were ready to deliver up the nation to *France*.'

But having let drop an insinuation, *as if many who followed his opinion in the business of the impeachments, did it rather out of compliment to his power, than to his person* : Mr. Tufnel, justly resenting this innuendo, immediately repelled the dint of it, at least, in relation to himself, by *appealing to that honourable member, whether he had ever made his court to him ? And whether he had not paid him more respect, since he was out, than when he was in place ?* On the other hand, Mr. Lechmere strongly supported the motion for the message ; and, among other things, said, ' It was

Mr. Lech-
mere's speech

' no wonder that a certain set of men who had, at
' first, opposed the impeachments, should now be
' for letting them drop ; and that this was yet the
' less surprizing, in that the same gentlemen had
' constantly opposed, all that had been proposed
' for the support of the present happy settlement :
' But that for his own part, he was of the same
' opinion he ever was, *viz.* that the nation could
' not prosper, till they had brought those to justice,
' who betrayed its Allies in so scandalous a manner,
' and brought it to the very brink of ruin. And
' that he would venture his life in this prosecution.'

This speech had so much weight, that it was carried, without dividing, that the message be sent to the Lords ; which being done the same day, their Lordships took it immediately into consideration. The

Earl of *Sunderland* moved to allow the Commons a fortnight longer, but the Duke of *Devonshire* said, twelve days were sufficient ; and so moved, ' That

The trial of
the Earl of
Oxford put
off till the
24th of June

' the trial be farther adjourned to *Monday the 24th of June*.' The Lords *Trevor, Harcourt, North and Grey*, and some others, insisted, That the

Lords

Lords having fixed a peremptory day for the tryal, they ought not to grant any farther time: But the question being put upon the Duke of *Devonshire's* motion, the same was carried in the affirmative by a majority of 76 voices against 57. The next * day, * *June 13.* the Lords sent a message to the Commons, to acquaint them with the said resolution; which the Commons having, on the 14th of *June*, taken into consideration, it was ordered, 1. *That managers be appointed to make good the articles of impeachment against Robert Earl of Oxford and Earl Mortimer.* 2. *That the Committee who were appointed to consider of the state of the said impeachment, be the said managers* (to whom four other gentlemen were this day added by the house). 3. *That the said Committee have power to send for such persons, papers, and records, as shall be thought necessary to be used at the tryal of the said Earl; and that they have power to sit de die in diem, and to adjourn to such time and place as they think fit; and they are to prepare evidence, and to proceed in the most speedy and secret way they can, for the advantage of the prosecution.* And 4. *That Mr. Anthony Cratchrode be appointed Solicitor to attend the managers in prosecuting the articles of impeachment against the said Earl.*

Four days after *, the Commons ordered also, * *June 18.* *That such members of the Committee appointed to be managers at the tryal of the Earl of Oxford, as are Justices of the peace for the county of Middlesex, be empowered to examine, in the most solemn manner, such persons as shall be judged necessary to be produced at the said tryal.*

On the day appointed by the Lords, viz. *Monday* the 24th of *June*, the Commons resolved, ' That ' this house will be present at the tryal of *Robert* ' *Earl of Oxford and Earl Mortimer*, as a Com- ' mittee of the whole house; And ordered, 1. That ' the managers appointed to make good the articles

Orders of the Commons for their proceeding to Westminster-hall, *June* 24.

of

‘ of impeachment against the said Earl, do first go
 ‘ out of the house to the places appointed for them
 ‘ in *Westminster-hall*, before the other members do
 ‘ go out of the house. 2. That after Mr. *Speaker*
 ‘ shall have left the chair, the members be called
 ‘ over by the Clerk, by their counties, as usual,
 ‘ for their more regular proceeding. 3. That no
 ‘ member do presume to go out of the house till the
 ‘ county for which he serves be called. 4. That no
 ‘ persons but members of this house do presume to
 ‘ sit in the places appointed for the members in
 ‘ *Westminster-hall*. 5. That the passages for the
 ‘ members of this house to and from their places
 ‘ in *Westminster-hall* be kept clear, &c. 6. That
 ‘ the Serjeant at arms do take into his custody all
 ‘ such persons as shall be, or shall attempt to come
 ‘ into the places prepared for the members of this
 ‘ house, &c. And 7. That the names of the Com-
 ‘ mittee appointed to be *managers* be called over :’
 which being done accordingly, the house resolved
 itself into a Committee of the whole house, in order
 to be present at the said trial.

Manner of
 the Lord
 High-Stew-
 ard's going to
Westminster.

The same day, about ten of the clock in the
 morning, the Lord High-Chancellor *Cowper*, in
 quality of Lord High-Steward of *Great-Britain*, ap-
 pointed by his Majesty for the trial of the Earl of
Oxford, was attended from his house by all the
 Judges of his Majesty's courts in *Westminster-hall*,
 in their robes; as also by *Garter* King of arms,
 and the Gentleman-Usher of the *Black-rod*, to
 whom his Majesty had delivered the *White Wand*
 to be carried before his Lordship; and set forward
 in his coach towards *Westminster*, sitting at the hin-
 der end thereof; *Garter*, and the gentleman who
 bore the *Great-seal*, sitting both uncovered at the
 other end: One of the Serjeants at arms, with his
 mace, being placed on the right side of the coach,
 and

and the Usher of the *Black-rod* carrying the *White Wand* on the left: The Judges and his Lordship's gentlemen following after in several coaches. Being thus come to the stairs foot, ascending to the house of Peers, the Judges went up two and two together, the juniors first, next the Lord High-Steward's gentlemen, after them the Serjeant at arms with his mace, and the seal-bearer; and lastly, the Gentleman-Usher of the *Black-rod*, bearing the *White Wand*, Garter King of arms going on his right: Then his Lordship alone, his train borne by one of his Gentlemen. In this manner entering the house of Peers, he found all the Lords in their scarlet robes, also the Bishops in their rochets, and took his place upon the uppermost Woolpack. This done, and prayers ended, his commission for Lord High-Steward was read: And then the Lords adjourned themselves into the erected court in *Westminster-hall*, where the *managers*, and other members of the house of Commons, in a grand Committee, had, by this time, taken their respective places. The King, the Prince, and Princess of *Wales*, were also seated in the boxes prepared for the royal family; as were also the foreign Ministers in the seats appointed for them; and the other part of the Amphitheatre was filled up with a vast number of Gentlemen, Ladies, and other persons of distinction.

All things being thus in a readiness, and a large door-place made through the upper end of the said hall, into that which was heretofore the *Court of Wards*, their Lordships passed from their house, first into the *painted Chamber*, then through that called the *Court of Requests*; thence (turning on the left hand) into that called the *Court of Wards*, then entered at the door (so broken down as above mentioned) into *Westminster-hall*, and passed through a Gallery (placed between the *King's-Bench* and *Chancery* courts) into *Westminster-hall*, the procession

sion being in manner following, *viz.* The Lord High-Steward's gentlemen attendants, two and two; the Clerks assistant to the house of Lords, and the Clerk of the Parliament, with the Clerk of the crown in the court of *Chancery*, bearing the King's commission to the Lord High-Steward; the Masters in *Chancery*, two and two; then the Judges, the Peers eldest sons, and Peers minors, two and two; four Serjeants at arms with their maces, two and two; the Yeomen Ushers of the house; then the Peers, two and two, beginning with the youngest Barons. Then four Serjeants at arms with their maces; the Serjeant at arms attending the *Great-seal* and *Purse-bearer*; then *Garter* King of arms, and the Gentleman Usher of the *Black-rod*; carrying the *White Staff* before the Lord High-Steward; and last of all, the Lord High-Steward alone, his train borne.

When the Lords were placed in their proper seats, and the Lord High-Steward upon the *Wool-pack*, the clerk of the crown in the court of *Chancery*, standing before the Clerk's table, with his face towards the state, having his Majesty's commission to the Lord High-Steward, made three reverences towards his Grace, and, on his knees, presented the commission to him; after which, and usual reverences, the same was carried down to the table; and then proclamation for silence being made, in the usual manner, the Lord High-Steward stood up, and addressing himself to the Peers, said, *His Majesty's commission is going to be read; your Lordships are desired to attend.* Hereupon, all the Peers uncovered themselves, and they and all others stood up uncovered while the commission was reading, after which, the Serjeant at arms said, *God save the King.* Then the Herald and Gentleman-Usher of the *Black-rod*, after three reverences, kneeling, presented the *White Staff* to his Grace; and then his Grace, attended by the *Herald*, *Black-rod*, and *Seal-bearer*,

bearer, (making his proper reverences towards the Throne) removed from the wool-pack to an armed chair, which was placed on the uppermost step but one of the Throne, as it was prepared for that purpose, and then seated himself in the chair, and delivered the staff to the Gentleman-Usher of the *Black-rod* on his right hand, the *Seal-bearer* holding the *Purse* on the left.

Then the Clerk of the crown ordered the Serjeant at arms to make proclamation for silence, which he did accordingly; after which another Proclamation was made, commanding the Lieutenant of the Tower of *London* to bring forth his prisoner to the bar. Hereupon, the Earl of *Oxford*, who, between ten and eleven of the clock that morning, was conducted from the *Tower* to *Westminster* by water, was brought to the bar by the Deputy-Lieutenant of the *Tower*, having the ax carried before him by the Gentleman-jaylor of the *Tower*, who stood with it on the left hand of the prisoner, with the edge turned from him. The prisoner, when he approached the bar, after kneeling, bowed to his Grace the Lord High-Steward, and to the house of Peers; which compliment was returned to him by his Grace, and the house of Peers. Then were read by the Lord High-Steward's command, *First*, The *articles* of impeachment exhibited by the Commons; *Secondly*, The prisoner's *answer* to the same; and *Thirdly*, The *replication* of the Commons; after which the Lord High-Steward made a speech suitable to the occasion, and signified to the *managers* of the house of Commons, that this was the time for them to make good the articles of impeachment.

The Earl of
Oxford
brought to
his tryal.

‘**R**Obert Earl of *Oxford* and Earl *Mortimer*, it has been usual, before the Commons proceed, to say something from this place to persons in your Lordship's present condition; partly by way of exhortation to a reasonable confidence in the

The Lord
High-Stew-
ard's speech.

‘ the great honour, justice, wisdom, integrity, and
 ‘ candour of their Judges, their Peers, the house of
 ‘ Lords in Parliament assembled, and partly by
 ‘ way of direction, to assist them in their behaviour
 ‘ and conduct during the course of their tryal.

‘ But, considering the many great offices your
 ‘ Lordship has borne in the state, your long expe-
 ‘ rience and known learning in all parliamentary
 ‘ proceedings, I cannot but think it would seem
 ‘ improper for me to be speaking to your Lordship
 ‘ in that manner.

‘ Wherefore I proceed barely to acquaint your
 ‘ Lordship, and others whom it may concern, with
 ‘ such orders as the Lords have made, which ’tis fit
 ‘ should be taken notice of thus early in this tryal.

1. ‘ Your Lordship, and all other persons who
 ‘ have occasion to speak to this court, must address
 ‘ their speech to the Lords in general, and not to
 ‘ any Lord in particular.

2. ‘ Your Lordship’s counsel may be present at
 ‘ the bar, in order to be heard to any point or mat-
 ‘ ter of law, if such shall arise on either of the ar-
 ‘ ticles for high-treason, and that you may make
 ‘ your full defence by counsel, if you think fit, on
 ‘ the articles for high crimes and misdemeanours,
 ‘ as well on matters of fact, as of law.

3. ‘ That your witnesses are to be examined on
 ‘ oath, as well to the articles for high-treason, as
 ‘ those for high crimes and misdemeanours.’

Then the Lord High-Steward, with the Lords
 leave, went down, and having seated himself by the
 table, told the gentlemen of the house of Commons,
 that they might now proceed: Upon which Mr.
Stanhope said, ‘ My Lords, the distance of the
 ‘ Lord High-Steward from this place, may have
 ‘ been

‘ been the occasion, that we have mistaken some-
 ‘ thing that fell from thence; we do therefore de-
 ‘ fire to avoid all mistakes (and I believe we might
 ‘ be mistaken) for we understood by my Lord
 ‘ High-Steward, that counsel should be allowed
 ‘ the prisoner at the bar, as well to the defence of
 ‘ the High-treason, as to the high-crimes and mis-
 ‘ demeanours: It is possible, we misapprehend his
 ‘ Lordship, but we hope his Lordship will be
 ‘ pleased to explain it to us.’ Hereupon the Lord
 High-Steward said, ‘ To prevent mistakes, I re-
 ‘ peat what I said, that *counsel* for the Lord (the
 ‘ prisoner at the bar) may be present at the bar, in
 ‘ order to be heard to any matter or point of law
 ‘ (if any such shall arise) relating to the *high-treason*;
 ‘ and likewise to make that Lord’s defence on the
 ‘ articles of impeachment of high-crimes and mis-
 ‘ demeanours, as well in *matters of fact*, as *matters*
 ‘ *of law*.’

Hereupon *Richard Hampden*, Esq; one of the
managers, opened the *impeachment* with the follow-
 ing speech.

My Lords,

‘ **T**HE Commons of *Great Britain* in Parlia-
 ‘ ment assembled, out of indispensable duty
 ‘ to their country, and zeal for the preservation of
 ‘ the *common liberties* of Europe, have brought to
 ‘ your Lordships bar, *Robert Earl of Oxford*, and
 ‘ *Earl Mortimer*, late High-treasurer and Privy-
 ‘ counsellor of this kingdom, charged with the
 ‘ highest crimes and misdemeanours, by him com-
 ‘ mitted and done against the person, crown and
 ‘ dignity of his Sovereign, the peace and interest
 ‘ of this kingdom, and in breach of the several
 ‘ trusts reposed in him.

‘ The Commons, in their charge, set forth the
 ‘ many solemn treaties and alliances which had been
 ‘ entered

Mr. Hamp-
 den’s speech.

‘ entered into between the *crown* of *England*, and
 ‘ other *Princes*, and *Potentates* of *Europe*, for their
 ‘ mutual safety, from the considerations of the
 ‘ common danger which then threatened all *Cbri-*
 ‘ *stendom*, from the *immoderate growth* of the power
 ‘ of *France*.

‘ They likewise take notice to your Lordships,
 ‘ of the prosperous and flourishing condition which
 ‘ the *liberties* of *Europe* were in, when, under these
 ‘ treaties and alliances, it pleased Almighty God,
 ‘ to bless the confederate arms, under the command
 ‘ of their *great* and *victorious General*, the Duke of
 ‘ *Marlborough*, with such a series of successes as far
 ‘ exceeded their own expectations; and by the wis-
 ‘ dom and unanimity of their councils, many signal
 ‘ advantages, both by sea and land, were obtained
 ‘ against the common enemy, whereby the glory
 ‘ of the confederate arms, and the reputation of
 ‘ *Great-Britain* in particular, was raised to a higher
 ‘ pitch than in any former age.

‘ That in this prosperous condition of affairs, the
 ‘ *prisoner* at the *bar*, with other *evil minded persons*,
 ‘ enemies to the true interest of their country, as well
 ‘ as to the common liberties and welfare of *Europe*.
 ‘ did, by many wicked arts and insinuations, obtain
 ‘ access to her late Majesty Queen *Anne*, got into
 ‘ her *councils*, and into places of the highest trust,
 ‘ to make way for his and their pernicious enter-
 ‘ prizes, *formed a treacherous correspondence* with the
 ‘ *emissaries* of *France*, and gave *false* and *pernicious*
 ‘ *councils* to her Majesty.

‘ The particular articles exhibited by the Com-
 ‘ mons, to which proper evidence will be applied,
 ‘ contain a charge,

‘ That this great person at the bar, having no
 ‘ regard to the honour or safety of his Sovereign,
 ‘ or these kingdoms, wherewith he was intrusted,
 ‘ or to the many solemn engagements with the old
 ‘ and

‘ and faithful Allies of this nation, but being devoted to the interest and service of the *common enemy*, did, by private and secret negotiations, in breach of all *public faith*, maliciously and wickedly cultivate and improve the demands of the enemies of his country, more to their advantage than they themselves could have ever hoped for.

‘ That by clandestine and secret negotiations with the enemies of *England*, he gave up the particular interest of his own country ; that he assumed to himself *regal power*, and, in a time of *open war*, took upon himself to meet and treat with the enemy, without any authority or power from his *Sovereign*, and, did what in him lay to subvert the *ancient and established constitution* of this kingdom.

‘ That he concealed the advice and pernicious influence, whereby he had engaged his *Sovereign*, and prostituted her honour, which had been raised to the highest pitch of glory abroad, and been justly held in veneration with her Allies ; and the royal hand was, by the wicked arts of the prisoner at the bar, made the instrument to advance the interest of the common enemy.

‘ That by deceitfully amusing the Allies of the crown of *Great-Britain*, and by private, separate, and unjustifiable negotiations, entered into and carried on by the prisoner at the bar, a lasting reproach was brought upon this nation, and the public faith of many treaties, wherein *England* was engaged in the most sacred and solemn manner, was notoriously violated, and the faithful Allies of the crown amused and deceived.

‘ That the prisoner at the bar did, in the most fatal manner, impose upon and delude his *Sovereign*, in accepting a pretended expedient from the enemy, which the enemy at the same time declared to be null and void. That the most unjustifiable and destructive measures were taken by him to dissolve the whole confederacy, without any re-

‘ gard to *religion, liberty, or the faith of treaties* ;
 ‘ and in consequence of his wicked advice, great
 ‘ numbers of the confederate troops, who had, on
 ‘ many occasions, signalized themselves in the de-
 ‘ fence of the cause of *Europe*, were given up as a
 ‘ sacrifice to the fury and revenge of the enemy.

My Lords,

‘ The Commons in their charge set forth the
 ‘ particular measures concerted and taken by the
 ‘ prisoner at the bar, to complete the destruction of
 ‘ the common cause of *Europe*, and the *Protestant*
 ‘ *succession* to the crown of these realms. And they
 ‘ charge,

‘ That the prisoner now before your *Lordships*,
 ‘ did *traiterously aid, assist, and adhere* to the *enemies*
 ‘ of his *Queen and country*, and advised and promo-
 ‘ ted the giving up to those enemies the *important*
 ‘ *town and fortress of Tournay*, together with *Spain*
 ‘ and the *West-Indies*.

‘ That he *sacrificed* the trade and commerce of
 ‘ *Great-Britain* to its common enemy, without the
 ‘ least shadow of advantage procured to these king-
 ‘ doms ; and *betrayed* the national *faith* and honour
 ‘ of the *crown*, employing against his *Imperial Ma-*
 ‘ *jesty* (the great and faithful Ally of this kingdom)
 ‘ the *naval power* of the *crown*, and the supplies
 ‘ granted by *Parliament*, in direct violation of the
 ‘ *grand alliance*, and contrary to her Majesty’s re-
 ‘ peated declarations from the Throne, and her
 ‘ plain and full instructions to her *Plenipotentiaries*
 ‘ at *Utrecht*.

‘ That he took upon himself to exercise the most
 ‘ arbitrary and unwarrantable authority, assuming
 ‘ to himself the chief direction and influence in her
 ‘ late *Majesty’s councils*, and most wickedly prosti-
 ‘ tuted the honour of the *crown*, and the dignity of
 ‘ *Parliament* ; totally depriving her Majesty of the
 ‘ wholesome and necessary advice of her Parlia-
 ‘ ment

‘ ment, and misrepresenting the most essential parts
‘ of the negotiations of peace, to obtain the *sanction*
‘ of *Parliament* to his wicked and pernicious pro-
‘ ceedings, thereby fatally deceiving her Majesty,
‘ her Allies, her *Parliament*, and her people,
‘ by several false speeches and declarations, concert-
‘ ed and advised by him, to be made by her *Ma-*
‘ *jesty* from the Throne to her *Parliament*, on the
‘ subject of the said *negociations* of peace; and by
‘ such wicked and unexampled *evil counsel*, he did
‘ most ungratefully *abuse* the favour of his *royal*
‘ *Mistress*, and by means of her authority misled
‘ her *Parliament* into groundless and prejudicial re-
‘ solutions; and thereby not only prevented the
‘ just advice of the *Parliament* to her *Majesty*, in that
‘ critical *juncture*, but obtained the approbation
‘ of *Parliament* to his *mysterious* and *dangerous*
‘ *practices*; and did not only deprive her *Ma-*
‘ *jesty* of the confidence and affection of her *Allies*,
‘ but expose her *Majesty* and her people to the con-
‘ tempt of the *enemy*.

‘ That he had used his utmost endeavours to
‘ *subvert* the *ancient constitution* of *Parliament*, the
‘ great and only security of the *prerogative* of the
‘ *crown*, and of the rights, liberties, and properties
‘ of the people, and most wickedly attempted to
‘ destroy the freedom and independency of this
‘ noble house, the great ornament and nearest support
‘ of the *crown*; disguising his mischievous inten-
‘ tions, under pretence of *superior zeal* for the *pre-*
‘ *rogative* of the *crown*, but by his false advice, her
‘ *Majesty* was deprived of the *seasonable* and *whole-*
‘ *some counsels* of her *Parliament*, and the *preroga-*
‘ *tive* perverted to the dishonour of the *crown*, and
‘ irreparable *mischief* to the constitution of *Par-*
‘ *liament*.

My Lords,

‘ The Commons have farther charged the *noble Lord* with corruptions, in illegally misapplying monies appropriated by *Parliament*, and with preventing any parliamentary enquiry into the same, to the reproach and scandal of Parliaments, in *breach* of his *trust*, the highest abuse of the goodness of his *Sovereign*, and the greatest injustice and oppression of her *subjects*; and that he defrauded her late *Majesty* of the *public money* with which he was entrusted, for the support of the honour and dignity of the crown.

‘ That this *great person* did assume to himself the supreme direction in her late *Majesty’s councils*, and did introduce to her *Majesty* for a *pretended public Minister*, a *Traytor* in disguise, named in the articles; and gave such *traytor* several considerable sums out of her Majesty’s treasury, in a fictitious and scandalous manner; such person being sent into this kingdom, under false pretences, secretly to promote the interest of the *Pretender*, whereby the prisoner at the bar, did ungratefully expose the person of her Majesty, and notoriously encourage the *adherents* of the *Pretender*, to the apparent danger of the Protestant succession to the Imperial crown of these realms. And,

Lastly, ‘ That this *great person* at the bar, did by the most false and wicked counsels and practices, *betray*, and give up as a sacrifice to the implacable resentments of their enraged and powerful enemy, a *free and generous people*, the *faithful and useful Allies of this kingdom*, the brave *CATALANS*; who, by the evil measures concerted and taken by the prisoner at the bar, were *betrayed* into irrevocable slavery, and the honour of the *British* nation, always renowned for the love of *liberty*, and for giving protection to the *distressed assertors*

‘ of

‘ of it, therein most basely prostituted by the pernicious and detestable counsel of the prisoner at the bar.

‘ Thus your Lordships have a view of the guilt in which the treasons and other crimes committed by the prisoner at the bar have involved him : And it is with astonishment the Commons observe, that his defence is an attempt to asperse the memory of his *royal mistress*, with the blame of what was transacted during his administration, which by imposing upon her, he had effected against her honour, and the good of his country, thereby attempting to reflect upon the justice of the house of Commons, and to cast an *odium* upon their proceedings against him. But we doubt not your Lordships vindication of the honour of her late *Majesty*, and the proceedings of the Commons in this prosecution.

‘ The Commons think it their duty to express the utmost abhorrence of the traitorous and wicked proceedings of the *prisoner* at the *bar*, and to shew their resentment against him, as the author and promoter of them.

‘ They have found him abusing and betraying the honour of his *royal mistress*, into whose favour he had insinuated himself for the most destructive and wicked purposes. They have found him insidiously dividing and weakening us and our *Allies*, *betraying our councils, traiterously giving up our strong holds, fortresses and defences of Europe*, and her most wealthy and flourishing countries, to the common *enemy* in time of *open war* : And contriving and effecting the dissolution of the greatest and most noble confederacy, that ever was formed and united in defence of the *Protestant interest*, and the glorious liberties of *Europe*.

‘ They have found him attempting to deprive these kingdoms of the only blessing left to their hopes, and which, by the providence of God on-

‘ ly, they now enjoy, the most auspicious govern-
 ‘ ment of his *present Majesty*, the *greatest* and *best* of
 ‘ *Princes*, whose magnanimity, wisdom, piety, and
 ‘ other Princely virtues, have filled the *Imperial*
 ‘ *Throne* of *Great-Britain*, with a lustre unknown
 ‘ in any former age. In this attempt, the *noble*
 ‘ *Lord* at the bar, wickedly endeavoured to defeat
 ‘ us of our happy prospect of lasting felicities, in a
 ‘ long succession of *Protestant Princes* in the *royal*
 ‘ *line* of his most *excellent Majesty*, the most illu-
 ‘ strious *Prince* and *Princess* of *Wales*, and their *issue*,
 ‘ eminently endowed with all graces and accom-
 ‘ plishments for making a generous and free people
 ‘ happy : On the continuance of which succession,
 ‘ next under God, all that is dear and valuable to
 ‘ us entirely depends.

My Lords,

‘ The Commons justly resent and detest the re-
 ‘ proach brought upon the faith and honour of their
 ‘ country, by the great evil Minister at the bar :
 ‘ But they promise themselves, your Lordships will
 ‘ ever be a *terror* to all *evil Ministers*, how *great*
 ‘ *soever* ; and that your Lordships can never fail to
 ‘ do justice to your injured country, upon all *perfi-*
 ‘ *dious counsellors*, who lie in wait to destroy our
 ‘ *religion, laws, and liberties.*’

After this, Sir *Joseph Jekyll* stood up, in order to
 proceed to make good the *first article* ; but the
 Lord *Harcourt* having signified to the Lords, that
 before the *managers* proceeded farther, he had a
 motion to make, their Lordships thereupon ad-
 journed to their own house, and the Commons
 returned to theirs.

As

As soon as the Peers were come to their house, the Lord *Harcourt* made a speech, wherein he represented, ‘ That the going thro’ all the articles of impeachment, would take up a great deal of time to little purpose; for if the Commons could make good the two articles for high-treason, the Earl of *Oxford* would forfeit both life and estate, and there would be an end of the matter; whereas the proceeding in the method the Commons proposed, would draw the tryal into prodigious length; urging, that ’twould be a great hardship upon a Peer, who had already undergone so long a confinement, to appear every day at their bar, like a traytor, and be, at last, found guilty only of high-crimes and misdemeanors; and therefore he moved, *that the Commons be not admitted to proceed in order to make good the articles against Robert Earl of Oxford and Earl Mortimer for high crimes and misdemeanors, till judgment be first given upon the articles for high-treason.*

Debate in the house of Peers about the method of the managers proceeding to make good the articles.
Lord *Harcourt*'s speech.

The Lord *Harcourt* was seconded and backed, by the Lord *Trevor*, and the Earls of *Anglesey* and *Nottingham*: But the Lord *Parker* answered them, ‘ That in all courts of judicature, ’tis the usual and constant method to go through all the evidence before judgment be given upon any part of the accusation. That though the house of Peers be the *supreme court* of the kingdom, yet it has ever a regard to the rules of equity and justice, and even to the forms observed in the courts below: And as for the prisoner’s appearing in the abject condition of a traytor, it was but a piece of formality, which did him no manner of hurt, and to which persons of the highest rank had ever submitted, in order to clear their innocence.’ The Earl of *Sunderland*, the Lord *Coningsby*, and the Lord *Cadogan* spoke on the same side; but the Dukes of *Buckingham* and *Argyle*, the Earl of *Ilay*,

the Bishop of *Rockester*, the Lord *North and Grey*, the Lord *Townshend*, and several others, having strenuously supported the Lord *Harcourt's* motion, the same was carried in the affirmative by a majority of 88 voices against 56.

The Lords resolve that the Commons proceed first to make good the articles for treason.

The Lords being about going down again to *Westminster-hall*, sent a message to the Commons to acquaint them therewith; upon which the Commons, in a Committee of the whole house, returned also to *Westminster-hall*, where the Lord High-Steward acquainted the *managers* with their Lordships resolution, 'That the Commons be not admitted to proceed in order to make good the articles against ' *Robert Earl of Oxford* and *Earl Mortimer* for ' high crimes and misdemeanours, till judgment be ' first given upon the articles for high-treason.' Hereupon, Sir *William Thompson*, Solicitor-general, one of the *managers* for the Commons, acquainted their Lordships, 'That they conceived it to be so

Which occasions a difference between both houses.

' much the undoubted right of the Commons to ' proceed in their own method, in maintenance of ' the articles exhibited by them, and did apprehend ' that this resolution of their Lordships might be ' of so fatal consequence to the rights and privileges ' of all the Commons of *Great-Britain*, that they ' could not take upon them to proceed any farther, ' without resorting to the house of Commons for ' their direction therein.' Upon this the Lords and Commons went up to their respective houses; and Mr. Solicitor-general having made his report to the Commons of what had passed in *Westminster-hall*, the said report was ordered to be taken into consideration the next morning.

* June 25.

The Commons having the next * morning taken Mr. Solicitor-general's report into consideration, ordered their managers to search precedents in relation to the proceedings of the Commons in prosecution of impeachments; after which they received a message

from

from the Lords, to acquaint them, ' That their Lordships had ordered *Robert* Earl of *Oxford* and Earl *Mortimer* to be brought to the bar of their house, in *Westminster-hall*, that day at eleven o'clock in the forenoon.' Hereupon it was resolved, *ne-mine contradicente*, ' That a message be sent to the Lords, acquainting their Lordships, that the Commons have taken into their consideration their Lordships resolution communicated to their managers, relating to the proceedings on the tryal of *Robert* Earl of *Oxford* and Earl *Mortimer*; and being desirous to preserve a good correspondence between the two houses, have appointed a Committee to search precedents upon a matter of this great importance, and desire, that their Lordships will not proceed at the time appointed.' Mr. *Carter*, who was ordered to carry this message, being returned, reported, ' That their Lordships having taken the same into consideration, would not proceed on the tryal of the said Earl at the time appointed, but would proceed farther on the said tryal on *Thursday* morning next, (*June* 27.) at eleven o'clock.'

On *Thursday*, the 27th of *June*, Mr. *Carter*, from the Committee appointed to search precedents, reported the matter they had directed him to report to the house: Upon which it was resolved, ' That a conference be desired with the Lords, relating to proceedings in the prosecution of impeachments; and ordered, ' That the same Committee, that is, the managers, do draw up what is proper to be offered to the Lords at the said conference, and that they do withdraw immediately into the *Speaker's* chamber to draw up the same.' Mr. *Carter* having, some time after, made his report, of what the Committee thought proper to be offered to the Lords, and the same being agreed to by the house, the Lord *Morpeth* was sent to desire a conference with the Lords,

A conference
between the
two houses.

Lords, which their Lordships having readily agreed to, and appointed the same presently in the *Painted-chamber*, the managers of the Commons went thither, and delivered to the Lords what the Commons had directed.

The same day the Lord *Privy-seal* reported to the house of Lords, that they had been at the conference, and met Mr *Carter* and other managers for the Commons, who delivered to their Lordships a paper, as follows:

The Commons reasons against the Lords resolution communicated at a conference.

THE Commons having taken into their consideration your Lordships resolution communicated to their managers, relating to the proceedings on the tryal of *Robert Earl of Oxford* and *Earl Mortimer*, and being desirous as far as in them lies, to maintain a good correspondence with your Lordships, have desired this conference, and have commanded us to acquaint your Lordships, that they conceive it to be the undoubted right of the Commons, to impeach a Peer, either for high-treason, or for high-crimes and misdemeanors, or, if they see occasion, to mix both the one and the other in the same accusation.

The impeachment preferred against *Robert Earl of Oxford* and *Earl Mortimer* is one continued accusation, consisting of high-crimes and misdemeanors, and also of charges of high-treason. The facts on which the articles preceding those of high-treason are grounded, are laid together in order of time, and follow one another successively, in the manner they were committed.

As the Commons thought this the most natural method for exhibiting the several articles against the said Earl, they were of opinion, that they should proceed in the proof of these several facts, after the same method, since it is manifest, that in laying open the course of such a wicked administration,

‘ nistration, the preceding parts of it give light to
‘ those which follow ; and that the proof of the
‘ several articles of high-crimes and misdemeanors
‘ would naturally lead to the proof of those of
‘ high treason.

‘ Your Lordships received these several articles
‘ of impeachment, without making any exception
‘ against the form in which they were exhibited.
‘ The said Earl made his answer to them in the
‘ same order, and has no where insisted to be tried
‘ in any other method ; so that the Commons are
‘ surprized to find a stop put to their prosecution
‘ by an objection which has never been started by
‘ the said Earl, and which your Lordships had gi-
‘ ven them so little reason to expect.

‘ To this must be added, that as the Commons
‘ only are masters of the evidence, and as upon
‘ that account they are best able to determine,
‘ what to charge first, and what next ; so they are
‘ most proper to determine in what method to pro-
‘ ceed for the advantage of the prosecution, in the
‘ event of which all the Commons of *Great-Bri-*
‘ *tain* are so highly concerned.

‘ To which they farther add, That they see no
‘ reason but that your Lordships may as well invert
‘ the whole order of the articles, as prescribe to
‘ the Commons those particular articles on which
‘ they are first to proceed, which will necessarily
‘ produce such a confusion, both in the facts and
‘ evidence, as is by no means consistent with that
‘ clearness and perspicuity in which the Commons
‘ think this affair ought to appear.

‘ The Commons, upon examining precedents,
‘ do find divers precedents of impeachments for
‘ high-treason, and other high-crimes and misde-
‘ meanors, in the same accusation ; and do not find
‘ that the Lords ever objected to such proceeding,
‘ or ever gave judgment upon any particular article
‘ of

' of impeachment before the Commons had gone
 ' through, and concluded their evidence upon all
 ' the articles, or so many of them as they thought
 ' fit; and the Commons are at as great a loss to
 ' conceive what arguments, or precedents, can be
 ' brought to support the resolution of your Lord-
 ' ships, to give judgment upon one part of the same
 ' accusation, reserving the other part for a subse-
 ' quent tryal, as they are to know what your Lord-
 ' ships mean by admitting the Commons to proceed
 ' upon the articles of high-crimes and misdemeanours,
 ' after the judgment is given upon the articles for
 ' high-treason, supposing the judgment proper for
 ' high-treason should be given against the said
 ' Earl.

' For these reasons, the Commons assert it as their
 ' undoubted right to proceed on the tryal of *Robert*
 ' *Earl of Oxford* and *Earl Mortimer*, after the me-
 ' thod in which their managers were proceeding,
 ' when interrupted by your Lordships resolution.'

The Lords having, the same afternoon, taken
 into consideration what was offered to them by the
 Commons at the said conference, it was moved,
 and the question put, *That their Lordships do adhere*
to their resolution of the Monday before, viz. Not to
admit the Commons to proceed, in order to make good
the articles for high-crimes and misdemeanours, till
judgment be first given upon the articles for high-trea-
son; which, after a small debate, was carried in the
 affirmative. Then another motion was made, and
 the question put, that the Lords *do give to the Com-*
mons, reasons for their Lordships adhering to their for-
mer resolution: Which was also carried in the affir-
 mative; notwithstanding the opposition made there-
 to by the Lord *Harcourt*, and some other Peers,
 who urged, *That such a condescension was derogatory*
to the prerogatives of the Peerage; and a Committee
 of Lords was appointed to draw up the said reasons.

The

The next day *, the Lords sent a message to the Commons, desiring them to continue sitting for some time; with which the Commons having readily complied, another message was, soon after, sent to them from the Lords, *to desire a present conference in the painted Chamber, upon the subject matter of the last conference.* The Commons agreed also to this conference, wherein the Lords delivered their reasons, for adhering to their *resolution*, to the *managers* of the Commons, as follows.

‘ Their Lordships, in order to preserve a good
 ‘ correspondence with the house of Commons,
 ‘ (which they shall always endeavour to do as far
 ‘ as lies in their power) have desired this conference
 ‘ upon the subject matter of the last conference, and
 ‘ have directed us to acquaint you, that their Lord-
 ‘ ships judge it a right inherent in every court of
 ‘ justice, to order and direct such methods of pro-
 ‘ ceeding, as such court shall think fit to be obser-
 ‘ ved in all causes depending before them, which can
 ‘ have no influence to the prejudice of justice; and
 ‘ where such methods of proceeding are not other-
 ‘ wise settled by any positive rule. The power of
 ‘ judicature on all impeachments being a right un-
 ‘ questionably inherent in their Lordships, and it
 ‘ not being determined by any positive rule, whe-
 ‘ ther the house of Commons may proceed to
 ‘ make good the several articles exhibited for mis-
 ‘ demeanours, in such order as they shall think fit,
 ‘ before they proceed to make good the articles ex-
 ‘ hibited for high-treason; and there being no pre-
 ‘ cedent where the Commons, upon the trial of
 ‘ any such impeachment, attempted to proceed in
 ‘ the first place, to make good any of the articles
 ‘ contained in such impeachment for high crimes
 ‘ and misdemeanours; their Lordships, considering
 ‘ the nature of the impeachment now depending be-
 ‘ fore

The Lords
 reasons in
 support of
 their resolu-
 tion.

' fore them, and the method wherein the managers
 ' for the house of Commons were beginning to
 ' proceed upon the trial, to make good the first ar-
 ' ticle thereof, which is a charge for high-crimes
 ' and misdemeanors only; and also considering,
 ' the very different methods of proceeding on an
 ' impeachment of a Peer for high-treason, as well
 ' before as upon the trial thereof, and the circum-
 ' stances attending such a trial, thought themselves
 ' obliged to come to the resolution communicated
 ' to the Commons on the 24th instant, as well for
 ' the doing justice in the case depending before
 ' them, as for the preventing a new precedent to be
 ' made on this trial; in consequence whereof, a
 ' new and unjustifiable form of proceeding against
 ' a Peer, upon an impeachment for high-treason and
 ' high crimes, might be introduced at his trial up-
 ' on those articles in which he is charged for high-
 ' crimes and misdemeanors only, to the prejudice
 ' of the Peerage of *Great-Britain* in all time to
 ' come, viz. The trying a Peer on articles for
 ' high crimes and misdemeanors, without the bar,
 ' the detaining in custody a Peer so accused, and
 ' repeated commitments of him to the *Tower*, dur-
 ' ing the time of such trial, and subjecting a Peer
 ' to as ignominious circumstances on his trial, on
 ' articles for misdemeanors, as if he was then on
 ' his trial on articles for high-treason: Whereas a
 ' Peer on his trial on articles for misdemeanors on-
 ' ly, ought not to be deprived of his liberty, nor
 ' sequestered from Parliament, and is intitled to the
 ' privilege of sitting within the bar during the
 ' whole time of his trial: In all which particulars
 ' the known rule of proceedings in such cases may
 ' be evaded, should a Peer be brought to his trial
 ' on several articles exhibited against him on high-
 ' crimes and misdemeanors, and for high-treason
 ' mixed together, and the Commons be admitted
 ' to

' to proceed in order to make good the articles for
 ' high crimes and misdemeanors, before judgment
 ' be given upon the articles for high-treason. Their
 ' Lordships have fully considered the matters offer-
 ' ed to them by the house of Commons at the last
 ' conference, relating to the proceedings against
 ' *Robert Earl of Oxford* and *Earl Mortimer*; and
 ' their Lordships are fully satisfied, that the reso-
 ' lution they have taken and communicated to the
 ' Commons on the 24th instant, is just and reason-
 ' able; and that the house of Commons are not put
 ' under any real inconvenience thereby, in carrying
 ' on their present prosecution. Their Lordships
 ' have commanded us to let you know, that they
 ' do insist on their said resolution, viz. That the
 ' Commons be not admitted to proceed in order to
 ' make good the articles against *Robert Earl of*
 ' *Oxford* and *Earl Mortimer* for high crimes and
 ' misdemeanors, till judgment be first given upon
 ' the articles for high-treason.'

Mr *Carter* having reported the Lords' reasons
 to the house, it was *resolved*, to take the said re-
 port immediately into consideration. Hereupon a
 message was brought from the Lords, to acquaint
 the Commons, *That they had ordered Robert Earl*
of Oxford, &c. to be brought to the bar of their house
in Westminster-Hall the next morning, being Satur-
day, the 29th of this instant June, at eleven o'clock,
in order to proceed farther on the trial of the said
Earl.

This was very surprizing to the Commons, who
 thereupon sent Mr *Young* with a message to the
 Lords, *to desire that their Lordships would continue*
sitting for some time; which the Lords having
 readily agreed to, the Commons took their Lord-
 ships reasons into consideration, and then resolved,
That a free conference be desired with the Lords upon
the subject matter of the last conference.

A free con-
 ference desi-
 red by the
 Commons.

Mr.

Mr. *Pelham*, who was *ordered* to go to the Lords and desire the said *free conference*, reported the next morning *, that having performed that order, the Lords answered, *That they would send an answer by messengers of their own.* The same day, the Lords took the desire of the Commons of a *free conference* into consideration, and after long a debate it was *resolved*, ‘ That the subject matter of the last conference, concerning a point of judicature determined by their Lordships after trial began, their Lordships did not think fit to give a *free conference* on the subject matter of the said conference, as was desired by the house of Commons.’ The Lords would have sent that evening a message to the Commons, to acquaint them with this *resolution*: But the Commons having timely notice of it, immediately adjourned till *Monday* the 1st of *July*. The Lords having on that day sent a message to the Commons, to acquaint them with the said *resolution*, and withal, ‘ That their Lordships had ordered *Robert Earl of Oxford* and *Earl Mortimer*, to be brought to the bar of their house, in *Westminster-Hall*, that very *Monday* at eleven o’clock in the forenoon, in order to proceed farther in the trial of the said *Earl*.’ The Commons, thereupon, *ordered* their Serjeant at arms to summon the members in *Westminster-Hall*, court of *Requests*, and places adjacent, to attend the service of the house; which done, it was *resolved*, *nemine contradicente*, ‘ That a conference be desired with the Lords upon the subject matter of their Lordship’s message, relating to the *free conference* desired by this house;’ And *ordered*, the Committee, or managers, immediately to *draw up reasons to be offered to the Lords at the said conference*. At the same time, a message was sent from the Commons to the Lords, by Mr. *Gibbon*, to *desire their Lordships to defer their going to Westminster-Hall for some time*;

Free conference refused by the Lords.

* June 29.

time; and Mr. Carter having, from the *managers*, reported the reasons by them drawn up, the same were agreed to, and Mr. Craggs was sent to the Lords to desire the said conference. Some time after, Mr. Gibbon reported, 'That the Lords would defer going into *Westminster-hall* for some time, as was desired by the Commons;' And Mr. Craggs also reported, 'That their Lordships agreed to a conference, and had appointed the same presently in the *painted Chamber*.' Hereupon, the *managers* of the Commons went to the said conference, and being returned, Mr. Carter, reported, 'That they had delivered the reasons directed by the house to the Lords, as follows.

'*The Commons having taken into consideration your Lordships message, viz. That your Lordships did not think fit to give a free conference on the subject matter of the last conference, as was desired by the Commons; and they being still desirous, to the utmost of their power, to preserve a good correspondence with your Lordships, have asked this conference; and have commanded us to acquaint your Lordships, that they are very much surprized to find your Lordships deny a free conference, after your Lordships have already agreed to a conference desired by the Commons on the same subject matter, and after your Lordships have on your parts also desired a conference upon the same subject. That free conferences are the most antient and established methods for adjusting the differences that have at any time arisen between the two houses, and, as the Commons conceive, is the only method to preserve good correspondence between them on such occasions, which, at this time, is of the highest importance, because a misunderstanding on this account would tend to defeat the trial of the impeachment of the Commons. That the Commons conceive clearly, that the subject matter of the last*

The Commons answer to the Lords reasons.

‘ conference is *not* a point of judicature, but a point
 ‘ relating only to the prosecution of the Commons, it
 ‘ having arisen before any matter of judgment had come
 ‘ before your Lordships upon the trial, for which reasons
 ‘ the Commons conceive, that your Lordships ought not to
 ‘ have denied them a free conference upon the subject
 ‘ matter of the last conference.’

Then a message was brought to the Commons from the Lords, *That their Lordships desired the Commons to continue sitting for some time*; which being readily granted, another message came soon after from the Lords, *to desire a present conference with the Commons in the painted chamber, upon the subject matter of the last conference.* This was likewise agreed to; the managers of the Commons went to the Lords, and being returned, Mr. Carter reported, *That the Lords did insist to deny a free conference.* This put the house of Commons into a flame; and it being thereupon ordered, *that the said report be now taken into consideration,* several warm speeches were made on that occasion by General Stanhope, Mr. Craggs, and Mr. Tufnel. The last Gentleman made the following speech.

Mr. Speaker,

Mr. Tufnel's
speech.

‘ I Cannot but think the proceedings of the Lords
 ‘ very extraordinary upon this occasion, that, af-
 ‘ ter having received the articles as delivered in by
 ‘ this house, they should now come to a resolution,
 ‘ that the Commons be not admitted to proceed up-
 ‘ on the *high crimes and misdemeanors*, till judgment
 ‘ be first given upon the articles for *high-treason*.
 ‘ And here, though unwillingly, I must observe,
 ‘ that the expression made use of in their Lord-
 ‘ ships message to the Commons, to me, seems
 ‘ very unsuitable to that candor which they have so
 ‘ remarkably shewn upon all occasions, and from
 ‘ whence this house might reasonably expect a
 ‘ more

more becoming treatment. There's another thing which I cannot but take notice of, which is, that after having had conferences with the Commons on this subject, they should now refuse a *free conference*, which I should have thought, must have been the natural result of the former, as being the most probable way to accommodate matters in cases of difficulty. The reason they give for their adhering to their resolution is, that this is a *point of judicature* which solely belongs to their Lordships; whereas the Commons say, it is only a *matter of prosecution*. And yet, if this objection were good, why was it not equally so against their agreeing to the first conference?

Notwithstanding these considerations, if I could be of opinion with those gentlemen who think, either that the honour of this house is so much concerned, or that it is so essential to the rights of the Commons of *Great-Britain*, I should be as unwilling as any one here, to contribute the least towards the betraying of them. But, since I don't hear 'tis pretended, that there are any precedents on either side; And I can, by no means, think it of that consequence which some Gentlemen seem to imagine, especially if there be a *saving to the rights and privileges of this house*: I should be inclined to be of opinion, that it would be better to acquiesce in the method proposed by the Lords, than to let a prosecution entirely drop, which has so universally raised the expectations of mankind. Then we should see, what that *living and legal evidence* is, which we have been so often promised from those, in whom the house reposed the greatest confidence, and if there should be any failure in the *proof* of the *high-treason*, the *blame* might lie in its *proper place*.

S I R,

' I am very sorry to find there should be such
 ' *remissness* in a prosecution, which was formerly
 ' carried on with so much *warmth* and *vigour*. And
 ' I could wish to see that spirit of *patriotism*, which
 ' has hitherto animated this house ; that just resent-
 ' ment for our injured country, once more removed.
 ' Where is *now* that publick-spirited, disinterested
 ' zeal, which *then* warmed the *patriots* breasts?
 ' Why is it now grown so languid? Are all those
 ' glorious thoughts and heroick sentiments quite
 ' evaporated? How comes it that those who *then*
 ' felt, and made others too feel, such an *intenseness*
 ' of *heat*, such a *lively emotion of spirit*, are now so
 ' calm and *undisturbed*? That those who were *then*
 ' so full of *heat* and *flame*, are now so cold and
 ' *lifeless*? Is the nature of things so far altered, that
 ' what was *then* the most *flagrant high-treason*, is
 ' *now nothing at all*.

Mr. Speaker,

' My concern is for the honour of this house,
 ' which has been so far engaged by *assurances*
 ' of *evidence* to support the charge. I must
 ' therefore take the liberty to call upon those Gen-
 ' tlemen who gave them, to extricate us from our
 ' *present difficulties*: And, I am sure, we shall not
 ' want their assistance in an affair where their ho-
 ' nour is so nearly concerned. I call upon them
 ' the rather, because it is a justice which they owe
 ' to themselves, it is a justice which they owe to
 ' this house of Commons, it is a justice which they
 ' owe their country, their poor, unhappy country,
 ' which they have so often described, as involved in
 ' the *greatest difficulties*, as labouring under the *most*
 ' *ruinous circumstances*, occasioned by the *ill conduct*,
 ' the *pernicious counsels*, and *traiterous practices* of
 ' the *noble person* now under prosecution?

It

It is to be observed, that tho' Mr. *Tufnel* was, all along, very earnest in this affair, yet upon a motion made, the same * day, by Sir *William* * July 1. *Strickland*, for a bill of attainder, he said, *he could, by no means, come into that motion.* The reasons he gave for it were, in substance, ' That how neces-

Mr. *Tufnel* declares against the attainting of the Earl of *Oxford*.

' sary and reasonable soever such a bill might be ' at another juncture, he could not but think it un- ' reasonable *now*; when, as yet, it was uncertain ' what the Lords would do. But that, however, ' he would freely declare his mind on this occasion, ' that, notwithstanding he was convinced, that the ' Earl of *Oxford* was guilty of the crimes where- ' with he was charged, and, that no man had ever ' contributed more to the ruin of his country than ' he had done: Yet, since there was a legal prosecution begun; since that noble Lord had submitted himself to public justice; and considering, ' that it is the peculiar glory and happiness of a ' free-born people to be governed by known laws, ' he would never give his consent to a bill, which ' in his opinion, must make the lives, the fortunes, ' and liberties, of the subjects of *Great-Britain*, ' stand upon so unsettled and precarious a foundation.'

In the middle of this debate, another message was brought from the Lords, *to desire that the Commons would continue sitting some time*, which the Commons agreed to. After this, Mr. *Lechmere* made a speech, wherein having, among other things, lamented the unhappy dilemma to which they were brought, either to see so great an offender as the Earl of *Oxford*, escape unpunished, or *to acquiesce in proceeding on his trial in the manner prescribed by the Lords.* He said, he thought the latter the more eligible of the two, with a saving to the *rights and privileges of the Commons*; and therefore made a motion for it. He was seconded and backed by Mr. *Hampden* and several other members; but the

Negative upon Mr. *Lechmere's* motion to acquiesce in the manner prescribed by the Lords.

Motion for
a bill to pu-
nish the Earl
of Oxford,
adjourned.

question being put thereupon, it was carried in the negative. Then a message was brought from the Lords, to acquaint the Commons, *That their Lordships intended presently to proceed further to the trial of the Earl of Oxford in Westminster-Hall*; of which the Commons took no notice; but being sensible that the Lords would discharge the prisoner, Sir *William Strickland* moved, that leave be given to bring in a *bill to inflict such pains and penalties upon Robert Earl of Oxford and Earl Mortimer, as his traiterous practices, and other high crimes and misdemeanors do deserve, and as shall be thought reasonable.* A debate arising thereupon, the same was adjourned till *Wednesday the 3d of July.*

About seven a-clock in the evening the Lords went down to *Westminster-Hall*, where three several proclamations were made for the *accusers* of the Earl of Oxford to appear, and make good the articles of impeachment against him. No body appearing, their Lordships went back to their house, where the Lord High-Steward said, My Lords, *I shall now state the question, upon which your Lordships are to give your votes; it is this, 'That Robert Earl of Oxford and Earl Mortimer be acquitted of the articles of impeachment exhibited against him by the house of Commons for high-treason, and other high crimes and misdemeanours, and of all things therein contained, and that the said impeachment be dismissed.* And then the Lord *High-Steward* put the question to the Lords present, beginning at the youngest Baron, in manner following.

My Lord,
' **Y**OUR Lordship has heard the question
' stated, what says your Lordship, is your
' Lordship content, or not content?'

All the Lords present, were content;

Then

Then the Lord *High-Steward* said, ‘ My Lords,
 ‘ upon the question stated, I am content. My
 ‘ Lords, *Robert Earl of Oxford* and *Earl Mortimer*
 ‘ is acquitted of high-treason and other high crimes
 ‘ and misdemeanours wherewith he stands charged,
 ‘ by the unanimous vote of your Lordships here pre-
 ‘ sent.’ And the Earl being called to the bar, the
 Lord *High-Steward* told him, ‘ *Robert Earl of Ox-*
 ‘ *ford* and *Earl Mortimer*, I am to acquaint your
 ‘ Lordship, that your Lordship is acquitted of the
 ‘ articles of impeachment exhibited against you for
 ‘ *high-treason*, and other *high crimes* and *misdemean-*
 ‘ *ours*, by the house of Commons, and all things
 ‘ therein contained; and thereupon I am to pro-
 ‘ nounce this judgment, which I pronounce accord-
 ‘ ingly:’ *It is considered, ordered, and adjudged by*
the Lords Spiritual and Temporal in Parliament as-
sembled, that Robert Earl of Oxford and Earl Mor-
timer shall be, and is hereby acquitted of the arti-
cles of impeachment exhibited against him by the house
of Commons for high-treason, and other high crimes
and misdemeanours, and of all things therein contain-
ed, and that the said impeachment shall be, and is
hereby, dismissed.

Then the Lord *High-Steward* commanded the
 Lieutenant of the *Tower of London*, to discharge
 his prisoner; and said, ‘ My Lords, this is all that
 ‘ remains to be done by virtue of his Majesty’s
 ‘ commission, I do therefore declare the same to be
 ‘ dissolved.’

Upon which the Lord *High-Steward* broke his
 staff.

On the 3d of *July*, when the Commons resumed
 the adjourned debate of the *Monday* before, Sir
William Strickland renewed his motion, for leave to
 bring in a bill to inflict such pains and penalties upon
Robert Earl of Oxford and Earl Mortimer, as his

traiterous practices, and other high crimes and misdemeanors do deserve, and as shall be thought reasonable. But in this he was seconded by none. On the contrary, Mr. *Hungerford* said thereupon, 'That for his own part, he had ever been against violent proceedings. That in his opinion, where the life, fortune, or reputation, of any man is concerned, the Parliament ought to go upon evidence as strong and as full as is required in *Westminster-Hall*; and that he had observed, that all bills of *attainder* proceeded from party piques.' Sir *William Strickland* being offended at this speech, made some severe reflections on it; and added, 'That for his own part, he had no personal pique against the Earl of *Oxford*; but looked on him as an enemy to his country, and since the Commons could not bring him to justice in the ordinary way, they ought, in his opinion, to have recourse to an extraordinary method; for which, however, they did not want precedents.' After some other speeches, the Lord *Castlemajor* moved, 'That an humble address be presented to his Majesty, setting forth the many great crimes of which *Robert Earl of Oxford* and *Earl Mortimer* has been impeached by this house; as likewise the endeavours that have been used by the Commons to bring the said Earl to justice; in which proceeding, the unhappy differences that have arisen between the two houses, have disappointed their just expectations: and likewise humbly to pray his Majesty, that he will except the said Earl out of the act of *grace*.' The Lord *Castlemajor* being seconded by Mr. *Young*, and the question put upon his motion, the same was carried in the affirmative, and a Committee appointed to draw up the said address. Another Committee was the same day appointed to inspect the Lords journals in relation to their proceedings on the trial of the Earl of *Oxford*, and to report what they find therein to the house.

A vote for
an address
against the
Earl of *Ox-*
ford.

On the 15th of July, the Earl of *Sunderland* delivered to the house of Lords, *An act for the King's most gracious, general, and free pardon*, which, about three o'clock in the afternoon, their Lordships sent down to the Commons, with a message importing, *That the Lords had accepted and passed the same*, *Nemine contradicente*. The Commons having read the said act, passed it also, *Nemine contradicente*, and sent it back to the Lords by Mr. Attorney-general: But an exception being taken at the particular form of the message, with which this act was sent down, *viz.* the mentioning the words *Nemine contradicente*, instead of the common expression, *That the Lords had agreed to it, and desired the concurrence of the Commons*: A Committee was thereupon appointed to search precedents, and to prepare reasons to be offered to the Lords at a conference, upon their Lordship message. Mr. *Lechmere*, Chancellor of the *Dutchy*, having reported the said reasons, the same were agreed to, and, at a conference, delivered to the Lords, ; who, at a second conference, delivered to the managers of the Commons their reasons for insisting on the form of their message. The Commons having taken their Lordships reasons into consideration, *ordered*, That the Committee who managed the last conference, withdraw immediately into the Speaker's chamber, to search precedents, and prepare reasons to be offered to the Lords at a conference, upon the subject matter of the last conference ; which reasons, Mr. Chancellor of the *Dutchy* having soon after reported, the same were agreed to, and Mr. Comptroller was ordered to go to the Lords to desire another conference. It was then about half an hour past five in the afternoon ; and the King being by that time come to the house of Peers, a message was brought to the Commons by the Usher of the *Black-rod*, commanding them to attend his Majesty immediately, which they did accordingly ; when, after passing several acts, his Ma-
jesty

The Commons exception to the Lords message.

A conference between the two houses.

jeſty declared from the Throne, that he had ordered the Lord *Chancellor* to deliver his Maſteſty's ſpeech to both houſes of Parliament in his Maſteſty's name and words; and the Lord *Chancellor* did accordingly read a ſpeech delivered into his hands by his Maſteſty from the Throne, as follows :

My Lords and Gentlemen,

The King's
ſpeech.

‘ I Cannot put an end to this ſeſſion, without expreſſing my thanks to you, for the diſpatch you have given to publick buſineſs, and declaring the ſatiſfaction I promiſe my ſelf in meeting you again early next Winter, with the ſame good diſpoſitions for the ſervice of your country. The meaſures we have taken in this Parliament, have, by the bleſſing of Almighty God, effectually deſeated all the attempts of our enemies, both at home and abroad; and, as the principles on which thoſe meaſures are founded, are equally conducive to the ſupporting the juſt rights of the crown, and the liberties of the people, I ſhall always perſevere in them my ſelf, and diſtinguiſh thoſe who adhere to them with the ſame ſteddineſs and reſolution.

Gentlemen of the houſe of Commons,

‘ I thank you in the moſt affectionate manner, for the ſupplies you have granted me; and for that conſtancy and zeal which you have ſhewn in reducing our national debts, notwithstanding the many incidents and obſtructions you have met with in the carrying on that great work. As you have furniſhed me with the means of diſappointing the deſigns of a foreign enemy againſt theſe my kingdoms, ſo I cannot but aſcribe, in a great meaſure, the happy proſpect of our affairs abroad, to that publick ſpirit which has appeared in your proceedings, and has convinced the world, that no inſinuations or artifices can divert you from your duty

- ‘ duty to your Sovereign, and a disinterested regard
- ‘ to your fellow-subjects.

My Lords and Gentlemen,

- ‘ It is with great pleasure that I see the tranquillity of the nation so well established as to admit of
- ‘ an act of grace, which I have long desired a fit
- ‘ opportunity to grant. I hope that such as shall, by
- ‘ this means, be restored to the enjoyment of security, and the protection of those laws against
- ‘ which they have offended, will have a due sense
- ‘ of this my indulgence, and give me the most acceptable return they can possibly make me, that of
- ‘ becoming friends instead of enemies, to their
- ‘ country.’

And then the Lord Chancellor, by his Majesty’s command, said,

My Lords and Gentlemen

- ‘ **I**T is his Majesty’s royal will and pleasure, that
- ‘ this Parliament be prorogued to *Monday* the
- ‘ twelfth day of *August* next, to be then here held ;
- ‘ and this Parliament is accordingly prorogued to
- ‘ *Monday*, the twelfth day of *August* next.

The End the SIXTH VOLUME.

day to your Government and a liberal and
to your subjects

My Lord and Countrymen



It is with great pleasure that I
of the nation to which I am so indebted
an act of grace, which I feel it my
duty to grant. I feel it my duty
to be so to the enjoyment of a
and the freedom of their laws against
which they have offended. I feel it my
of this my indignation, and give me the most ac-
ceptable manner they possibly make me, that of
to them, instead of enemies, to their
country.

And then the Lord Chancellor, by his Majesty's
command.

My Lord and Countrymen

It is his Majesty's command, and I feel it my
duty to be so to the enjoyment of a
and the freedom of their laws against
which they have offended. I feel it my
of this my indignation, and give me the most ac-
ceptable manner they possibly make me, that of
to them, instead of enemies, to their
country.

The Law of 21st May 1777.

My Lord and Countrymen
I feel it my duty to be so to the enjoyment of a
and the freedom of their laws against
which they have offended. I feel it my
of this my indignation, and give me the most ac-
ceptable manner they possibly make me, that of
to them, instead of enemies, to their
country.